

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016/17

**HEALTH & WELLBEING SCRUTINY
COMMITTEE**

15th NOVEMBER 2016

**REPORT OF THE SERVICE DIRECTOR
PUBLIC HEALTH AND PROTECTION**

AGENDA ITEM 6
FOOD LAW ENFORCEMENT – FOOD STANDARDS AGENCY FULL AUDIT REPORT & ACTION PLAN

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1. PURPOSE OF THE REPORT

- 1.1 To provide Members of the Health and Wellbeing Scrutiny Committee with the opportunity to consider and scrutinise the Draft Report of the Food Standards Agency following the full audit of the Council's Food Law Enforcement Service, carried out in April 2016.

2. RECOMMENDATIONS

It is recommended that Members:

- 2.1 Consider and scrutinise the Food Standards Agency Draft Report on Food Law Enforcement Services provided by Rhondda Cynon Taf County Borough Council.
- 2.2 Consider and scrutinise the Draft Action Plan prepared by the Service Director, Public Health and Protection to address the recommendations arising from the Food Standards Agency Draft Report on Food Law Enforcement Services provided by Rhondda Cynon Taf County Borough Council.

3. BACKGROUND

- 3.1 The Council has a duty to carry out official controls on food and feed law. This includes the requirement to carry out programmed inspections of food premises and to sample food to assess microbiological safety, quality and composition.
- 3.2 The Food Standards Agency (FSA) is the central competent authority in the UK with responsibility for overseeing that the official feed and food controls undertaken by local authorities are delivered in accordance with a Framework Agreement between the FSA and local authorities (Appendix 1). The Agreement sets out what the FSA expects from local authorities and outlines 19 specific areas in which the local authority must have adequate arrangements. The Agreement is underpinned by a monitoring system from the FSA which includes provision for them to carry out audits of local authorities.

- 3.3 On the 22nd December, the FSA notified the Council of its intention to carry out a full audit of the Food Law Enforcement services on the Council between the 11th and 15th April 2016. This audit was part of a programme of full audits being undertaken by the FSA of all local authorities in Wales.
- 3.4 The audit was undertaken by three auditors from the FSA who were based at Ty Elai for the duration of the audit. The audit comprised of an opening meeting, attended by the Cabinet Member and relevant officers, discussions with the audit liaison/ lead officers, staff interviews, site visits to food establishments and a closing feedback meeting. During the week, detailed checks were also made of various electronic and paper file records including food hygiene and food standards inspection reports, sampling results, infectious disease investigations and files relating to prosecution proceedings taken by the Council.
- 3.5 The FSA undertake to provide the local authority with the Draft Audit Report within 12 weeks of the conclusion of the Audit. The local authority has an opportunity to comment on the Draft Report and agree an Action Plan with the FSA to address any recommendations from the audit. The Final Report and the Final Action Plan are open documents, published on the FSA website.

4. **FEEDBACK FROM THE FOOD STANDARDS AGENCY AUDIT**

- 4.1 The Council received the Draft Report on the Food Law Enforcement Services on the 21st September, 22 weeks after the audit was concluded (Appendix 2).
- 4.2 With regard to the 19 specific areas covered by the Framework Agreement, the Draft Report concluded that:
- 9 areas of service met the requirements of the Agreement fully and did not require any improvement;
 - 4 areas of “Good Practice” were identified;
 - 24 individual recommendations were made by the auditors in relation to 10 specific areas of the service.
- 4.3 The Service Director Public Health and Protection considers that the conclusions reached by the FSA following the audit are constructive and based on the evidence found during the audit. There are however a small number of factual corrections in the report and some areas where it is considered the observations are not a proportionate reflection of the evidence of the audit. The Service Director has prepared a detailed response to the Draft Report and a Draft Action Plan to address the 24 recommendations identified by the audit (Appendix 3).
- 4.4 Once Members have had the opportunity to consider the draft audit report and proposed action plan, the Council will respond to the FSA who will consider any amendments required to their report prior to its formal publication.

5. CONCLUSIONS

- 5.1 The Draft Food Law Enforcement Report is a detailed report which covers the very thorough audit undertaken by the FSA of the Council Food Law Enforcement Services. The conclusions of the FSA are largely constructive and based on the evidence found during the audit. It is of note that 4 areas of “good practice” were identified by the auditors and there were 9 areas of the Framework Standard against which there was no necessity for recommendations. The Service is commitment to taking the appropriate action as soon as possible to address the findings, and a number of recommendations have already been addressed by the local authority.

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THE FRAMEWORK AGREEMENT ON OFFICIAL FEED AND FOOD CONTROLS BY LOCAL AUTHORITIES

Amendment Five, April 2010

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PREFACE

The Framework Agreement on official feed and food law controls, by local authorities, has been developed in consultation with the local authorities themselves, the local government associations and the professional bodies. It has been approved by the Enforcement Liaison Group¹.

This is Amendment number 5 to the original Agreement (which was introduced from 2001) and is effective from **1 April 2009**.

The Framework Agreement sets out what the Food Standards Agency expects from local authorities in their delivery of official controls on feed and food law. This Amendment has been updated to take account of the Agency's New Vision² for food law enforcement, and the FSA Framework for Regulatory Decision Making³, which take account of the Government's better regulation agenda and of principles of good regulation.

The Agreement sets out the planning and delivery requirements of feed and food official controls, based on the existing statutory Codes of Practice. These provisions should be reflected in authorities' service plans operative from **1 April 2009**.

Details of the new monitoring system for local authority feed and food law enforcement, and of the new audit arrangements, are available as separate documents on the Agency website.

The operation and scope of the Framework Agreement remain under the oversight of the Enforcement Liaison Group, through its Sub-Group on the Framework Agreement.

¹ <http://www.food.gov.uk/enforcement/enfcomm/elg/>

² The Agency's New Vision for food law regulation is set out in paper PRO 06/10/02, approved by the FSA Board on 12 October 2006. This is available on the Agency's website.

³ <http://food.gov.uk/multimedia/pdfs/FSAreqframework.pdf>

Chapter One: Service Planning Guidance

Introduction

1 This guidance provides information on how service plans for official feed and food law controls should be structured, and on what they should contain. Service plans developed under these arrangements will provide the basis on which local authorities will be monitored and audited by the Food Standards Agency. This guidance should be read in conjunction with “The Standard” which can be found in Chapter Two.

Background

2 The Food Standards Agency has a key role as the central competent authority in overseeing official feed and food controls undertaken by local authorities. It also seeks to work in partnership with local authorities to help them to deliver official feed and food controls. The Agency is therefore proactive in setting and monitoring standards, and in auditing local authorities’ delivery of official controls, in order to ensure that this activity is effective, risk based, proportionate and consistent. Powers enabling the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999 and in the Official Feed and Food Controls Regulations.

3 Service plans are seen as an important part of the process to ensure that national priorities and standards are addressed and delivered locally. Service plans will also help local authorities to:

- follow the principles of good regulation;
- focus on key delivery issues and outcomes;
- provide an essential link with corporate and financial planning;
- set objectives for the future, and identify major issues that cross service boundaries;
- provide a means of managing performance and making performance comparisons; and
- provide information on an authority’s service delivery to stakeholders, including businesses and consumers.

4 The Feed and Food Law Codes of Practice allow local authorities flexibility over how to deliver official feed and food controls. The service plan should set out how and at what level official feed and food controls will be provided, in accordance with the Codes of Practice. When developing its service plan, an authority should make it clear what period the plan covers, and what arrangements have been put in place for the regular review and updating of the plan.

5 This guidance, which should be read in conjunction with Chapter 2 – “The Standard”, provides local authorities with a service plan template, to ensure that all the areas of official feed and food controls covered by the Standard are included in the plan, whilst also allowing scope for locally defined objectives. The template will ensure that local authorities include in their service plans:

- information about the services they provide;
- the means by which they will provide those services, including the various requirements of the Standard;
- the means by which they will meet any relevant performance targets or performance standards; and
- a review of performance, in order to address any variance from meeting the requirements of the service plan and identification of areas for improvement.

Better Regulation

6 Local authorities should take account of the Government’s better regulation agenda when planning and delivering their services. Key to this agenda are the five principles of good regulation:

- targeting (to take a risk-based approach);
- proportionality (such as only intervening where necessary);
- accountability (to explain and justify service levels and decisions to the public and to stakeholders);
- consistency (to apply regulations consistently to all parties); and
- transparency (being open and user-friendly).

7 To achieve those principles, the Government’s better regulation programme includes a number of initiatives which local authorities will need to take account of in their Feed and Food service plans. As feed and food safety are devolved issues, the nature and impact of these initiatives will vary between the different parts of the United Kingdom.

8 The targeting of resources where they are most effective and at areas of highest risk is essential in providing the public with an effective service. It is the desired outcome, which may alter with changing circumstances, that should be the key influence when local authorities are selecting the appropriate interventions to be used. Attention should be given to longer term outcomes as well as short-term ones.

Common Format

9 Service plans are an expression of local authorities' own commitment to the development of the feed and food service. However, it is also important to consider the use made of the plans by the Food Standards Agency, which will require information about official feed and food control activities in a common format to enable it to assess local authorities' delivery of the service. In addition, service plans may be of use to other local authorities who will find analysis and comparison of their relative performance greatly facilitated by a common format. The guidelines are therefore structured in terms of a common format – with chapter and subject headings specified - and a general description of the content that should form part of each. There is no intention to remove local authority flexibility to include additional items under particular headings.

10 It is recognised that local authorities have had service plans for many years, and may have corporate style or templates that they wish to maintain. It is also recognised that some local authorities undertake the planning and review processes at separate times and issue the results of review as a separate document. Some local authorities include their plans for the feed and food service as part of a larger plan of authority services. While there is flexibility for local authorities to continue with a corporate format, they shall ensure that the information requirements in this guidance are included. Where feed or food service plans form part of broader corporate plans, the feed and food details shall be separately identifiable in their planning documents.

11 Similarly, in those cases where several authorities are unifying as a single authority, they should ensure that the requirements of this guidance are included and are separately identifiable in the planning documents for the new unitary authority. Where an enforcement service is shared between authorities, the requirements of this guidance should be identifiable in the planning documents for each authority.

12 Authorities should cover the following areas in their service plans for feed and food official controls:

- * Service Aims and Objectives
- * Background
- * Service Delivery
- * Resources
- * Quality Assessment
- * Review

Further guidance on the content of the plan in each of these areas is set out overleaf. However, each authority may choose its own way of formulating these plans – such as placing some aspects in management plans, and some in operational plans.

Member Approval

13 Authorities have the flexibility to decide locally whether or not service plans should be approved at Member level. To help to ensure local transparency and accountability, and to show their contribution to the authority's corporate plan, feed and food service plans and performance reviews should be approved at the relevant level established for that local authority, whether that is Member, Member forum, or suitably delegated senior officer level. Records should be kept to show that service plans have received appropriate approval.

Official Feed and Food Controls Service Plan Guidance

1. Service Aims and Objectives

1.1 Aims and Objectives	A statement of the service's aims and objectives.
1.2 Links to corporate objectives and plans	This section should identify how the service plan(s) fit into the Authority's corporate planning process and how it plays its part in meeting the Authority's objectives. This should include meeting any relevant national indicator. It should also identify any cross linkage with other plans that have been adopted by the Authority.

2. Background

2.1 Profile of the Local Authority	This section should include details of the population, size and nature of the Authority.
2.2 Organisational Structure	A simple chart showing the council services and committee structure which shows where the feed and food service fits in. The structure should identify the manager/s responsible for the delivery of official feed and food controls and the officer/s with specialist responsibility for food hygiene, food standards, and/or feedingstuffs if different, and the provision made for specialist services provided, for example, by public analysts, food examiners and agricultural analysts.
2.3 Scope of the Feed and Food Service	A brief statement that sets out the scope of the responsibilities and service provided. This should identify where areas of the feed and food service are provided by another organisation e.g. contractors. Any other services that are delivered alongside the feed and food service, e.g. health and safety inspections, can be described here.
2.4 Demands on the Feed and Food Service	This section should include a brief outline of: <ul style="list-style-type: none"> • the establishments profile • the number of approved or registered establishments in the Authority's area; • any particular local requirements associated with specialist or complex processes.

	<p>The section should detail:</p> <ul style="list-style-type: none"> • the service delivery points used by the Authority and • the times at which the service is available from these points. <p>This section also enables the Authority to describe any external factors that may impact on their service. For example:</p> <ul style="list-style-type: none"> • the percentage of business owners whose first language is not English, • the percentage of food establishments that are manufacturing foods, • imported feed/food responsibilities, or • seasonal activities.
2.5 Regulation Policy	A brief reference statement to the Authority's documented enforcement policy.

3. Service Delivery

3.1 Interventions at Food and Feedingstuffs establishments	<p>A statement in relation to the Authority's policy on interventions and how they will be selected in individual cases, including details of the programme of interventions at feed/food establishments to be undertaken. This should include the establishments profile, the numbers of interventions programmed, an estimation of the number of revisits that will be made, and an estimation of resources required e.g. staffing. The plan should also detail any targeted intervention activity that the Authority intends to carry out including any extra resources this may require; this could include specific project work.</p> <p>The Authority should identify any priorities relating to nationally or locally driven outcomes, such as compliance with new legislation or improved compliance with existing legislation and other central government initiatives. The section should include, where appropriate, the arrangements the Authority has made to ensure that they have access to adequate appropriate expertise to enable competent inspection of any specialised processes identified in Section 2.</p>
3.2 Feed and Food Complaints	A statement in relation to the Authority's policy regarding the investigation of feed and food complaints including an estimation based on previous years' trends of the likely demand on the service and an estimation of the resources required.

3.3 Home Authority Principle and Primary Authority Scheme	A statement in relation to the Authority's policy on the Home Authority Principle and, where applicable, the Primary Authority Scheme, including an estimation of the resources required in relation to meeting and advising those businesses for whom it acts, developing intervention plans for those businesses for whom it is the Primary Authority, and responding to enquiries from other enforcing authorities..
3.4 Advice to Business	A statement in relation to the Authority's policy regarding advice to business (as part of the overall policy of interventions) including an estimation of the number of contacts from business and the resources necessary to provide the service. This section should include, where appropriate, any input the Authority has to business partnerships or forums.
3.5 Feed and Food Sampling	A statement in relation to the Authority's sampling policy including the basis of the sampling programme and an estimate of the numbers of samples that will be taken from establishments, or submitted in relation to complaints, and any relevant resource allocation including staffing. It should also detail the arrangements that the Authority has made for the analysis and/or examination of the samples.
3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease	A statement in relation to the Authority's policy on the investigation of food poisoning notifications and outbreak control including an estimation based on previous years' trends of likely demand on the service and an estimation of the resources required.
3.7 Feed/Food Safety Incidents	A statement in relation to the Authority's policy on handling food alerts to confirm that it complies with the relevant Codes of Practice; an estimation of the likely demand on the service and an estimation of the resources required.
3.8 Liaison with Other Organisations	<p>The Authority should set out the arrangements it has made to ensure that enforcement action taken in its area is consistent with those of neighbouring local authorities. This section should include:</p> <ul style="list-style-type: none"> • any liaison the Authority has with other authorities; • any liaison, where appropriate, with LBRO; • any arrangements with other official control bodies or government inspectorates to co-ordinate feed and food controls;

	<ul style="list-style-type: none"> • any representation on Government working groups or committees; • liaison with professional body working groups; • liaison and involvement/participation with LACORS advisory groups and similar or related bodies; • any formal liaison with voluntary groups and other public sector bodies e.g. Health Authorities; • any formalised liaison with other services within the Authority e.g. review of building control applications; • any commitment to local/regional groups. <p>An estimation of the resource allocation should be included.</p>
3.9 Feed and Food Safety and Standards promotional work, and other non-official controls interventions	A statement of any feed/food safety promotional work, or information/intelligence gathering work, which the Authority intends to carry out in the year and the measures it will use to evaluate its effectiveness, with an estimate of the resource allocation including staffing to undertake this work.

4. Resources

4.1 Financial Allocation	This section should set out the overall level of expenditure involved in providing the service and examine the trend of growth or reduction in real terms. Detail shall be provided in terms of the non-fixed costs including staffing, travel and subsistence, equipment including investment in IT, sampling budgets and the financial provision made by the Authority for any legal action necessary as part of their enforcement function.
4.2 Staffing Allocation	A statement of the number of posts required to deliver the service, and of the number of staff working on feed/food law enforcement and related matters (in terms of full time equivalents); this should distinguish qualified staff from support staff.. These figures should be expressed in terms of levels of competency with reference to the appropriate Codes of Practice, including support staff.
4.3 Staff Development Plan	A statement in relation to any relevant ongoing training, including that to be provided in-house and externally for authorised and trainee officers in the year ahead.

5. Quality Assessment

5.1 Quality assessment and internal monitoring	A statement specifying the measures to be taken to assess the quality of the Authority's service including any relevant monitoring arrangements developed by the Authority to assess performance against the Standard. This should include any agreed inter-authority audit or peer review arrangements. The Authority will also wish to include details of any externally accredited or self assessment models used.
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6. Review

6.1 Review against the Service Plan	The Authority should set out the process for reviewing and reporting delivery of the service plan. This should include information on the previous year's performance against the service plan and any specified performance targets and performance standards and targeted outcomes.
6.2 Identification of any Variation from the Service Plan	The review should identify where the Authority was at variance from their service plan and, where appropriate, the reasons for that variance. The Authority may determine that additional work it has carried out in other areas of the enforcement mix has achieved the same objective. This should be clearly identified in this part of the plan.
6.3 Areas of Improvement	The Authority should set out plans for any relevant improvement or service development identified as necessary by the review or the quality assessment.

Chapter Two: The Standard

Introduction

This Chapter brings together the obligations on feed and food law enforcement authorities on official controls arising from existing legislation, statutory Codes of Practice and related guidance, and sets out the requirements for the planning, management and delivery of local authority feed and food law enforcement services.

Local authorities will need to ensure that the services they provide to support and achieve business compliance with the law address the whole package set out in the Standard, and that they deliver appropriate activities and actions in line with the better regulation policies applicable in their part of the United Kingdom.

The Standard

1 Scope

This Standard specifies the arrangements to be put in place and implemented by an Authority for the enforcement of food hygiene, food standards, feed law and imported feed and imported food legislation.

The Standard is applicable to those activities which should be included in an Authority's feed/food service. References to "Codes of Practice" in the Standard mean the Feed Law Enforcement Code of Practice (Great Britain) and the Food Law Codes of Practice issued in each of the countries in the United Kingdom, unless otherwise stated.

2. Terms and definitions

For the purposes of this Standard the following terms and definitions apply.

2.1 Authority

Any local authority whose responsibilities cover either food hygiene, food standards or feedingstuffs law enforcement, or a combination of those activities. This also includes port health authorities and authorities with points of entry for imported foods or feedingstuffs.

3 Organisation and Management

3.1 The Authority shall draw up, document and implement a service delivery

plan in accordance with the Service Planning Guidance in Chapter 1.

- 3.2 A performance review shall be carried out by the Authority at least once a year based on the service delivery plan, documented and submitted for approval to either the relevant member forum or, where approval and management of service delivery plans has been delegated to senior officers, to the relevant senior officer.
- 3.3 Any variance in meeting the service delivery plan shall be addressed by the authority in its subsequent service plan.

4 Review and Updating of Documented Policies and Procedures

- 4.1 The Authority shall ensure that all documented policies and procedures for each of the enforcement activities covered by this Standard are reviewed at regular intervals, and whenever there are changes to legislation or centrally issued guidance.
- 4.2 The Authority shall set up, maintain and implement a control system for all documentation relating to its enforcement activities. Whichever medium is chosen, such as electronic format or hard copy, the system shall ensure that:
- a) up to date copies of the appropriate documentation including legislation and guidance are available at all relevant locations and to all relevant staff;
 - b) all changes to documents or amendments to documents are covered by the correct authorisation and are carried out without undue delay to ensure timely availability; and
 - c) superseded documents are removed from use throughout the Authority.

5 Authorised Officers

- 5.1 The Authority shall set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the relevant Codes of Practice and any centrally issued guidance.
- 5.2 The Authority, where it is responsible for the enforcement of food hygiene, food standards and/or feed legislation, shall appoint an officer/s with specialist knowledge to have lead responsibility for that legislation. Where the Authority has specific responsibilities, for example it is a UK point of entry or it has establishments approved in accordance with Regulation (EC) No 853/2004, it should ensure that officers have the necessary specialist knowledge.
- 5.3 The Authority shall appoint a sufficient number of authorised officers to carry out the work set out in the service delivery plan. The level of authorisation and duties of officers should be consistent with their qualifications, training, experience and the relevant Code of Practice.
- 5.4 The Authority shall ensure that all authorised officers and appropriate support staff receive the training needed to be competent to deliver the technical and

administrative aspects of the work in which they will be involved, in accordance with the Code of Practice.

- 5.5 Records of relevant academic or other qualifications, training and experience of each authorised officer and appropriate support staff shall be maintained by the Authority in accordance with the relevant Codes of Practice.

6 Facilities and Equipment

- 6.1 The Authority shall make available the necessary facilities and equipment that are required to the effective delivery of all activities associated with the service to be provided.
- 6.2 The Authority shall ensure that equipment is properly maintained and calibrated, and is removed from service when found to be defective. To support this task, it shall set up, maintain and implement a documented procedure, which should include identification of equipment, evidence of maintenance and calibration, and the results of any in service checks.
- 6.3 Any computer software package or other method of record administration used by the Authority shall be reliable and capable of providing any information reasonably requested by the Food Standards Agency. Such systems shall be operated in such a way so as to be able to provide required information to the Agency.
- 6.4 The Authority shall set up, maintain and implement appropriate back up systems for any electronic databases, and systems or documented procedures which have been designed to minimise the risk of corruption or loss of information held on its databases. The Authority should ensure that reasonable security measures are in place to prevent access and amendment by unauthorised persons.

7 Food and Feedingstuffs Establishments Interventions and Inspections

- 7.1 The Authority shall carry out interventions/inspections (as required by the relevant Code of Practice) at all food hygiene, food standards and feedingstuffs establishments in their area, at a frequency which is not less than that determined under the intervention rating schemes set out in the relevant legislation, Codes of Practice or other centrally issued guidance.
- 7.2 The Authority shall carry out interventions/inspections, and approve or register establishments in accordance with the relevant legislation, Codes of Practice, centrally issued guidance and the Authority's policies and procedures.

NOTE: Establishments includes any ship or aircraft of a description specified in the relevant legislation.

- 7.3 The Authority shall assess the compliance of establishments and systems in their area to the legally prescribed standards.

NOTE: In assessing compliance, the Authority shall (as required by Article 10(2) of Regulation (EC) No 882/2004) take into account any relevant Industry Guides to Good Hygiene Practice and have regard to any other relevant centrally issued guidance.

The Authority shall take appropriate action on any non-compliance found, in accordance with the Authority's enforcement policy.

- 7.4 The Authority shall set up, maintain and implement documented procedures for the range of interventions/inspections/it carries out.
- 7.5 Observations made and/or data obtained in the course of an inspection/intervention shall be recorded in a timely manner to prevent loss of relevant information. Officers' contemporaneous records of interventions shall be legible and stored in such a way that they are retrievable.

8 Food, Feed and Food Establishments Complaints

- 8.1 The Authority shall set up, maintain and implement a documented policy and procedure(s) in relation to complaints about food and feed that originate within the UK, and those foods and feed originating from other EU member states, or from third countries and in relation to complaints against feed and food establishments. Procedures should cover any referral arrangements to inland authorities and/or authorities with responsibility for imported food and feed controls at the UK point of entry.
- 8.2 The Authority shall investigate complaints received in accordance with the relevant Code of Practices, centrally issued guidance and the Authority's policies and procedures.
- 8.3 The Authority shall take appropriate action on complaints received in accordance with the Authority's enforcement policy.

9 Primary Authority Scheme and Home Authority Principle

- 9.1 Where a Primary Authority partnership has been established for a business, under the terms of the Regulatory Enforcement and Sanctions (RES) Act 2008, and any Orders under that Act, the Primary Authority shall act in accordance with the relevant requirements and guidance. A Primary Authority partnership can cover the full range of regulatory service, or specific functions, such as health and safety; food safety or product labelling. Where a Primary Authority partnership has not been established for a business for a particular function, the Home Authority principle will continue to apply:
- 9.2 The Authority shall provide advice to businesses on legal compliance where they act as home and/or originating authority.
- 9.3 The Authority shall have regard to any information or advice it has received from any liaison with home and/or originating authorities.
- 9.4 The Authority shall liaise with the home and/or originating authority of a

business whose feed/food and/or premises have been subject to an intervention, and offences identified which are, or appear to be, associated with the business's centrally defined policies and procedures.

- 9.5 During a complaint investigation, the Authority shall liaise with the home and/or originating authority regarding matters which are or may be associated with the business's centrally defined policies or procedures.
- 9.6 The Authority shall liaise with the home and/or originating authority of a business in relation to any unsatisfactory samples which are or may be associated with the business's centrally defined policies or procedures.
- 9.7 The Authority, having initiated liaison with any home and/or originating authority, shall notify that authority of the outcome.

10 Advice to Business

- 10.1 The responsibility to comply with feed and food law rests with the business operator. As part of its approach to enforcement, the Authority shall work with businesses to help them comply with food and feed legislation. This may include, for example:

- running training courses/seminars (in accordance with the requirements in the Codes of Practice for avoiding potential conflicts of interest) ;
- providing advice during interventions;
- business information sheets;
- responding to queries; and
- dialogue with business through local business partnerships or similar fora.

11 Food and Feed Establishments Database

- 11.1 The Authority shall set up, maintain and implement a database of the food and feed establishments in its area.
- 11.2 The Authority shall set up, maintain and implement a documented procedure to ensure that its food and feed premises database is accurate, reliable and up to date, as the accuracy of such databases is fundamental to service delivery and monitoring.

12 Food and Feed Inspection and Sampling

- 12.1 The Authority shall ensure that food and feedingstuffs are inspected at all food and feed establishments, in accordance with relevant legislation, Codes of Practice and centrally issued guidance, to ensure that food and feed meet legally prescribed standards.

- 12.2 The Authority shall take appropriate action on any non-compliance found in accordance with the Authority's enforcement policy.
- 12.3 The Authority shall set up, maintain and implement documented procedures for the inspection of food and feedingstuffs.
- 12.4 The Authority shall set up, maintain and implement a documented sampling policy and programme that shall accord with any centrally issued or relevant guidance, and relevant Codes of Practice and shall include reference to its approach to any relevant national sampling programme centrally co-ordinated by the Food Standards Agency.

NOTE: The Authority should consider the nature of its food and feed establishments, and where applicable the nature of imported foods and feed, and also have regard to any relevant sampling programme centrally co-ordinated by the FSA, LACORS and the HPA and in Scotland, SFELC (the Scottish Food Enforcement Liaison Committee), in Wales the Welsh Food Microbiological Forum and the Welsh National Public Health Service and in Northern Ireland, the Public Health Laboratory.

- 12.5 The Authority shall set up, maintain and implement documented procedures for the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under its control in accordance with the relevant Codes of Practice and centrally issued guidance.
- 12.6 The Authority shall carry out sampling in accordance with its documented sampling policy, procedures and programme.
- 12.7 The Authority shall take appropriate action in accordance with its enforcement policy where sample results are not considered to be satisfactory.
- 12.8 The Authority shall, where appropriate, ensure a Public Analyst, and/or Agricultural Analyst is appointed to carry out examinations and analyses of food and feed samples. In making these appointments all relevant legal requirements and Codes of Practice shall be satisfied. All samples for examination should be submitted to a Food Examiner at a laboratory accredited for the purpose of examination.

13 Control and Investigation of Outbreaks and Food Related Infectious Disease

- 13.1 The Authority shall set up, maintain and implement a documented procedure which has been developed in association with all relevant organisations in relation to control of outbreaks of food related infectious disease in accordance with relevant central guidance.
- 13.2 The Authority shall set up, maintain and implement a documented procedure which has been developed in accordance with centrally issued guidance, and in association with all relevant organisations for the investigation of notifications of food related infectious disease.

- 13.3 All records relating to the control and investigation of outbreaks and food related infectious disease shall be kept for at least 6 years.

14 Feed and Food Safety Incidents

- 14.1 The Authority shall set up, maintain and implement a documented procedure for initiating and responding to feed and food alerts, in accordance with the relevant Codes of Practice. For UK points of entry, this procedure should also address RASFF notifications and relevant EC decisions. This procedure shall also include out of hours contact arrangements.
- 14.2 The Authority shall maintain a computer system capable of receiving feed and food alerts.
- 14.3 The Authority shall document its response to and the outcome of each feed and food alert.
- 14.4 The Authority shall set up, maintain and implement a documented procedure for responding to feed and food safety incidents.

NOTE: Feed and food safety incidents might be notified as part of the feed and food alert warning systems (see 14.1 above) or as separate notifications from the Food Standards Agency.

- 14.5 The Authority shall notify the Food Standards Agency of any serious localised incident or a wider feed/food safety problem in accordance with the relevant Codes of Practice.

15 Enforcement

- 15.1 The Authority shall set up, maintain and implement a documented enforcement policy, in accordance with the relevant Codes of Practice and other official guidance. This policy shall be approved by the relevant Local Authority Member forum or, where approval and management of service delivery plans has been delegated to senior officers, by the relevant senior officer

NOTE: The enforcement policy or an accurate summary should be readily available to the public and food businesses in the Authority's area.

- 15.2 The Authority shall set up, maintain and implement documented procedures for follow up and enforcement actions in accordance with the relevant Codes of Practice and official guidance.
- 15.3 The Authority shall carry out food law enforcement in accordance with the relevant Codes of Practice and centrally issued guidance.
- 15.4 All decisions on enforcement action shall be made following consideration of the Authority's enforcement policy. The reasons for any departure from the criteria set out in the enforcement policy shall be documented.

16 Records and Interventions/Inspections Reports

- 16.1 The Authority shall maintain up to date accurate records in retrievable form on all food and feed establishments in its area, and for all relevant checks on imported food and feed, in accordance with Codes of Practice and centrally issued guidance. These records shall include reports of all interventions/inspections, the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified, details of any enforcement action taken, results of any sampling, details of any complaints and any action taken, and also relevant food and/or feed registration and approval information. The authority should also record, with reasons, any deviations from set procedures.
- 16.2 All records shall be kept for at least 6 years unless they have been marked for longer retention because of litigation or Local Government Ombudsmen review.

17 Complaints About the Service

- 17.1 The Authority shall set up, maintain, implement and make readily available to the public and the food and feed businesses in its area, a documented complaints procedure regarding complaints about the service.
- 17.2 The Authority shall investigate complaints received in accordance with the relevant centrally issued guidance.
- 17.3 A record shall be made of all complaints received and of the actions taken by the Authority in response to those complaints.

18 Liaison with Other Organisations

- 18.1 The Authority shall put in place liaison arrangements with neighbouring authorities and any other appropriate body, to facilitate efficient, effective and consistent enforcement in accordance with the relevant Codes of Practice and centrally issued guidance.
- 18.2 The Authority shall also put in place liaison arrangements with other official control bodies or government organisations, aimed at rationalising enforcement and reducing burdens on businesses.

19 Internal Monitoring

- 19.1 The Authority shall set up, maintain and implement documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) 882/2004 (Official Feed and Food Controls), the relevant Codes of Practice and centrally issued guidance.
- 19.2 The Authority shall verify its conformance with this Standard, relevant legislation, the relevant Codes of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures.

- 19.3 A record shall be made of all internal monitoring. This should be kept for at least 2 years.

20 Third Party or Peer Review

- 20.1 The Authority shall participate in any appropriate third party or peer review process against the Standard.
- 20.2 Where the Authority participates in such processes, this should include the implementation of effective remedial actions to address non-conformances with the Standard identified through the processes.

21 Food and Feed Safety and Standards Promotion

- 21.1 The Authority shall promote food and feed safety and standards. For example this may include:
- * food safety and standards awards or competitions;
 - * participation in co-ordinated food and feed safety and standards campaigns;
 - * partnerships with voluntary organisations, the community and other agencies with a view to targeting specific groups;
 - * targeted dissemination of information on food and feed safety and standards issues;
 - * supporting food safety and standards training in schools and colleges; and
 - * raising awareness of imported food controls (this applies to all authorities, not solely those covering ports of entry).
- 21.2 The Authority shall maintain records of its food and feed safety and standards promotions.

Chapter Three: Monitoring of Local Authorities

Introduction

1 As part of its duties under the Food Standards Act 1999, and in accordance with the requirements of Regulation (EC) No 882/2004 on official controls, the Food Standards Agency is responsible for monitoring and reporting the performance of enforcement authorities in enforcing relevant legislation on feed and food safety.

2 The Agency therefore collects key data on how each local authority is delivering feed and food law enforcement, on an annual basis. This is achieved through the Local Authority Enforcement Monitoring System (LAEMS) which was introduced in April 2008, and is applicable from the financial year 2008/09 onwards.

Key Documents

3 The relevant documents to guide local authorities on how to implement LAEMS are available on the Agency's website:
<http://food.gov.uk/enforcement/>

Areas of data collected

- 4 The areas of data collected by LAEMS include:
- the number of feed, and of food establishments, categorised by types;
 - the numbers of interventions/inspections due, in accordance with the Codes of Practice, and the number of interventions/inspections carried out;
 - the rating scores awarded:
 - (a) for food hygiene:
 - compliance with the law, hygiene;
 - compliance with the law, structure;
 - confidence in management/control systems;
 - (b) for food standards:
 - level of current compliance; and
 - confidence in management/control systems
 - (c) for feed law:
 - level of current compliance; and
 - confidence in management/control systems.
 - the number of food samples taken for analysis, categorised by type of analysis;
 - the number of feed samples categorised by type of analysis;
 - the number of enforcement actions taken, categorised by type of action, and type of reason for that action.

5 LAEMS collects data for each feed/food establishment in the authority's area, and provides overall summaries which the Authority is required to amend, validate and agree.

Uses of the data

6 The Agency will use the data provided to assess both the levels of authorities' actions to deliver official controls, and the outcomes (in terms of business compliance levels) achieved by those actions. The outcome measure being applied from 2008/09 is the percentage of food establishments for which the Authority is responsible that are deemed to be "broadly compliant" with food law, based on the detailed rating scores awarded by the Authority's authorised officers. Further details are set out in relevant documents on LAEMS on the Agency's website, and in the Food Law Codes of Practice.

7 The data collected via LAEMS will be used by the Agency for the following purposes:

- to report feed and food control activities for the UK to the European Union, as part of the annual reports on the implementation of the UK's National Control Plan under Regulation (EC) No 882/2004;
- to report national data on feed and food control activities, trends and (for food businesses) compliance levels to the FSA Board;
- to identify levels of business compliance achieved (a key issue for the Agency) and of food control activity, by individual authority, to:
 - ensure effective feed and food law services are in place locally;
 - inform the Agency's audit programmes;
 - provide benchmarks for LAs; and
 - help inform the UK enforcement strategy.
- for English LAs, to assess performance against NI 184, the National Indicator for business compliance levels – which forms part of the CAA performance framework.

Details of the monitoring data submitted by each LA will be published annually on the FSA website.

8 The Agency will consult Authorities and other stakeholders, over any proposed changes to the use made of monitoring data.

Key definitions

9 The key definitions used in LAEMS, and in its analyses, are set out in guidance available on the Agency website at <http://www.food.gov.uk/enforcement/>

10 These definitions include:

- categories of feed/food establishments;
- categories of interventions;
- types of enforcement action;
- reasons for enforcement actions;
- types of samples;
- types of advisory and educational work.

Chapter Four: Audit Scheme for Local Authorities

Introduction

1 As part of its duty under the Food Standards Act 1999 of monitoring the performance of enforcement authorities, the Food Standards Agency has the powers to request information relating to enforcement action, and to make reports to any enforcement authority on their performance in enforcing relevant legislation. The Agency is also required to audit enforcement authorities in accordance with Regulation (EC) No 882/2004, and to follow relevant EC regulations, decisions and guidance.

2 The Framework Agreement audit scheme sets out the arrangements through which the Agency will audit local authorities' enforcement activities, to help ensure that local authorities are providing an effective service to protect public health and animal health.

Aims

3. The aims of the audit scheme are to:

- help to protect public health and animal health by promoting effective local enforcement of feed and food law;
- maintain and improve consumer confidence;
- carry out risk-based audit programmes that provide a means to identify under performance in local authority feed and food law enforcement;
- assist in the identification and dissemination of good practice to aid consistency;
- provide information to aid the formulation of Agency policy;
- promote conformance with the "Feed and Food Law Enforcement – Standard" (the Standard) and any relevant central guidance or statutory Codes of Practice;
- promote self regulation and Peer Review such as Inter Authority Auditing (IAA); and
- identify continuous improvement and good practice for wider dissemination.

Scope

4 The audit programme will cover all local authorities. The audit scheme will assess a local authority's conformance against the Standard and any associated guidance. The arrangements will cover the full range of local authority feed and food law enforcement activity i.e. food standards, food safety, animal feed and imported food, both at ports of entry at which imported feed and food is handled and checks made by inland authorities.

Key Documents

5 The key documents on the detailed operation of the Agency's audit scheme, including process timetables and audit report publication arrangements are available on the Agency's website at:
<http://www.food.gov.uk/enforcement/auditscheme/>

Complaints and disputes

6 Mechanisms are in place for resolving complaints and disputes by local authorities arising from feed and food service audits undertaken by the Agency. Details are available on the Agency's website.

Publication of audit reports

7 Information on local authority enforcement performance will be placed in the public domain. Audit reports will be issued to local authorities with the expectation that the reports will be presented to elected members within the appropriate local public forum. Copies of final audit reports will be placed on the Food Standards Agency website.

Follow-up action

8 Food Standards Agency follow-up action to Agency audits will depend on the level and type of non-conformance identified and the action plan produced by the local authority. Follow-up arrangements by the Agency will, in some circumstances, include revisits to local authorities. Where these arrangements identify a local authority failing to implement all or part of their action plan, subsequent Agency action will be considered on a case by case basis.

Contacts

9 Details of contact points in the Agency's offices in Aberdeen, Belfast, Cardiff and London are available on the Agency's website.

Review of the audit scheme

10 The Agency will keep the principles, operation and scope of the audit scheme under review.



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Food
Standards
Agency

Report on the Food Law Enforcement Services

Rhondda Cynon Taf County Borough
Council

11th – 15th April 2016

Foreword

Audits of local authority food and feed law enforcement services are part of the Food Standards Agency's (FSA) arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food and feed law relating to food safety, hygiene, composition, labelling, imported food and feedingstuffs is largely the responsibility of local authorities. These local authority regulatory functions are principally delivered through their Environmental Health and Trading Standards Services.

The attached audit report examines the local authority's Food Law Enforcement Services. The assessment includes consideration of the systems and procedures in place for interventions at food businesses, food sampling, internal management, control and investigation of outbreaks and food related infectious disease, advice to business, enforcement, food safety promotion. It should be acknowledged that there may be considerable diversity in the way and manner in which authorities provide their food enforcement services reflecting local needs and priorities.

Agency audits assess local authorities' conformance against the Feed and Food Law Enforcement Standard. "The Standard", which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities (amended April 2010) is available on the Agency's website at: www.food.gov.uk/enforcement/enforcework/frameagree

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that authorities are providing effective food and feed law enforcement services. The scheme also provides the opportunity to identify and disseminate good practice, and provides information to inform Agency policy on food safety, standards and feedingstuffs and can be found at: www.food.gov.uk/enforcement/auditandmonitoring

The report contains some statistical data, for example on the number of food establishment inspections carried out. The Agency's website contains enforcement activity data for all UK local authorities and can be found at: www.food.gov.uk/enforcement/auditandmonitoring

The report also contains an action plan, prepared by the authority, to address the audit findings.

For assistance, a glossary of technical terms used within the audit report can be found at Annex C.

Draft for Review

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1 Introduction

- 1.1 This report records the results of an audit of food hygiene and food standards at Rhondda Cynon Taf County Borough Council under the headings of the FSA Feed and Food Law Enforcement Standard. It has been made publicly available on the Agency's website at www.food.gov.uk/enforcement/auditandmonitoring/auditreports

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority food and feed law enforcement services was conferred on the FSA by the Food Standards Act 1999 and the Official Feed and Food Controls (Wales) Regulations 2009. The audit of the food services at Rhondda Cynon Taf County Borough Council was undertaken under section 12(4) of the Act and Regulation 7 of the Regulations.
- 1.3 Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the FSA, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.¹
- 1.4 The authority was audited as part of a three year programme (2013 – 2016) of full audits of the 22 local authorities in Wales.

Scope of the Audit

- 1.5 The audit covered Rhondda Cynon Taf's arrangements for the delivery of food hygiene and food standards enforcement services. The on-site element of the audit took place at the authority's offices at Ty Elai,

¹ Commission Decision of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No. 882/2004 of the European Parliament and of the Council on Official Controls to verify compliance with feed and food law, animal health and animal welfare rules (2006/677/EC).

Tonypandy on 11th – 15th April 2016, and included verification visits at food businesses to assess the effectiveness of official controls implemented by the authority, and more specifically, the checks carried out by the authority's officers, to verify food business operator (FBO) compliance with legislative requirements.

- 1.6 The audit also afforded the opportunity for discussion with officers involved in food law enforcement with the aim of exploring key issues and gaining opinions to inform Agency policy.
- 1.7 The audit assessed the authority's conformance against "The Standard". The Standard was adopted by the FSA Board on 21st September 2000 (and was subject to its fifth amendment in April 2010), and forms part of the Agency's Framework Agreement with local authorities. The Framework Agreement can be found on the Agency's website at www.food.gov.uk/enforcement/enforcework/frameagree
- 1.8 The audit also reviewed the action taken by the authority in relation to the FSA focused audit of Local Authority Management of Interventions in Newly Registered Food Businesses undertaken in 2013.

Background

- 1.9 Rhondda Cynon Taf County Borough Council is a unitary authority in south-east Wales, which covers an area of 44,000 hectares and is the third largest local authority in Wales. It borders seven other local authority areas – Powys and Merthyr Tydfil to the north, Caerphilly to the east, Cardiff and the Vale of Glamorgan to the south and Bridgend and Neath - Port Talbot to the west.
- 1.10 Rhondda Cynon Taf is entirely inland and covers an area which stretches from Treherbert and Maerdy at the top of the Rhondda Valleys, to Penderyn in the Brecon Beacons National Park. The Heads of the Valleys road and the A470 link the top of the Cynon Valley to the large town of Pontypridd to the south at Taff's Well, close to the M4 Corridor, which passes through the south west of the County Borough near Talbot Green.
- 1.11 Rhondda Cynon Taf is a mixed urban and rural county borough with over 70 distinct towns and villages situated amongst areas of natural beauty.

The principal towns include Pontypridd, Talbot Green with Llantrisant and Aberdare.

- 1.12 According to the 2011 Census, Rhondda Cynon Taf has a population of 234,410 with 97.4% of the population being White. The population density was the eighth highest in Wales by mid 2014. 12.3% of the population speaks, reads, writes or understands Welsh; whilst the number of Welsh speakers is below the Wales average.
- 1.13 The economy is a broad mixture of activity without any dominant activity; although manufacturing, public administration, education and health sectors feature strongly.
- 1.14 Rhondda Cynon Taf contains indicators of deprivation mostly above the Wales average as determined by the 2014 Welsh Index of Multiple Deprivation; including three towns in the top twelve most deprived areas in Wales. The County Borough is, however, rated better than average with regards to access to services, physical environment and housing.
- 1.15 Food hygiene law enforcement was being carried out by officers in the authority's Food and Health and Safety team whilst food standards enforcement was being carried out by the Food Standards and Farm enforcement team. Both teams fall within the Public Health and Protection section of Community and Children's Services.
- 1.16 Officers and support staff responsible for food hygiene and food standards were based at Ty Elai, Dinas Isaf East, Williamstown, Tonypany CF40 1NY.
- 1.17 The authority reported that it had a 24 hour emergency out-of-hours service. The out-of-hours service was not tested as part of the audit.
- 1.18 At the beginning of 2015/16 there were around 1969 food establishments in Rhondda Cynon Taf with a slightly lower number of food establishments covered by the food standards discipline. In addition, there were 12 approved food establishments.
- 1.19 The authority had 10.95 full time equivalent (FTE) officers involved in the delivery of food hygiene in 2015/16. In respect of food standards, the authority reported 4.85 FTE officers.

- 1.20 The authority provides officers with opportunities for continuous professional development in their field of work. A training budget was available and this was being maintained year on year.
- 1.21 The annual budget for the food services was £477,510 in 2015 / 16. This represented a slight increase on the 2014/15 expenditure.
- 1.22 The authority had been participating in the National Food Hygiene Rating Scheme which was launched in Wales in October 2010. At the time of the audit, the food hygiene ratings of 1847 food establishments in Rhondda Cynon Taf were available to the public on the National Food Hygiene Rating Scheme website.

2 Executive Summary

- 2.1 The audit examined Rhondda Cynon Taf County Borough Council's arrangements for the delivery of official food controls. This included reality checks at food establishments to assess the effectiveness of official controls and, more specifically, the checks carried out by the authority's officers, to verify food business operator (FBO) compliance with legislative requirements. The scope of the audit also included an assessment of the authority's overall organisation and management, and the internal monitoring of food law enforcement activities.
- 2.2 The Head of Environmental Health, Trading Standards and Community Safety had overall responsibility for the delivery of food law enforcement services. The food hygiene service was delivered within the Food and Health & Safety team whilst food standards enforcement was being carried out by the Food Standards and Farm enforcement team. Both teams fall within the Public Health and Protection section of Community and Children's Services Directorate.
- 2.3 The service plan developed by the authority was largely in accordance with FSA guidance. The authority had reviewed its performance against the previous year's performance and a number of variations in achieving the targets were identified and explained. However, an estimate of the resources required to deliver the services against those available was not available and auditors discussed the benefit of ensuring variances relating to new food standards establishment interventions are identified in the service plan and that improvements include actions to address the variance in achieving the target for new food hygiene businesses. The use of detailed impact assessment information for different elements of service delivery in order to influence the magnitude of resource reductions was identified as an area of good practice.
- 2.4 The authority had arrangements in place to ensure effective service delivery by appropriately authorised officers which require amendment to ensure officers are authorised under all required legislation. In general, officers had been authorised in accordance with their qualifications, training and experience. The provision of access to several portals of information for food hygiene and food standards officers was identified as an area of good practice.

- 2.5 A documented work procedure had been developed to ensure the accuracy of the authority's food establishment database. Audit checks identified that although food establishment information was mostly up to date, improvements are required with regards to the accuracy of some enforcement data. The authority had been able to provide Local Authority Enforcement Monitoring System (LAEMS) returns to the FSA.
- 2.6 Record and database checks confirmed that the food hygiene service had prioritised inspections of higher-risk and specialist businesses whilst some lower risk establishments were not being inspected at the required frequency as required by the Food Law Code of Practice and centrally issued guidance. The development of guidance to officers to assist in prioritising programmed and new business interventions was identified as an area of good practice. The food standards service had an approach where high risk establishments had been prioritised for inspection. A significant number of medium and lower risk establishments were overdue a food standards intervention.
- 2.7 Inspection records did not always demonstrate that a thorough assessment of business compliance had taken place during food standards inspections. Food Standards Interventions had not generally been undertaken in accordance with the Code of Practice. Risk rating revisits and follow up action was being carried out as required for food hygiene. However, in relation to food standards, auditors could not confirm that consistent follow-up actions were being taken in accordance with the Code of Practice.
- 2.8 Food hygiene inspection records and reports were being adequately maintained by the authority; in accordance with the Food Law Code of Practice. Food standards reports contained some of the information required however, they would benefit from improvement to ensure that they include all of the information required by the Food Law Code of Practice.
- 2.9 Food and food establishment complaints, food incident interventions and investigation of food related infectious disease had generally taken place in accordance with the Food Law Code of Practice. However, food sampling interventions had not always been undertaken in accordance with the food law code of practice.

- 2.10 The authority had been proactive in providing advice and guidance to food businesses and undertaking promotional activity in its area. This included the provision of funded food hygiene training. The use of social media to promote the Food Hygiene Rating Scheme and to publicise food alerts was identified as an area of good practice.
- 2.11 There was some evidence of internal monitoring of the food hygiene and food standards services. Further development and implementation of the authority's internal monitoring procedures will assist in achieving improvements in relation to food standards.
- 2.12 Significant progress had been made in implementing requirements following the 2013 focused audit - Local Authority Management of Interventions in Newly Registered Food Businesses. The outstanding requirements have been absorbed into the recommendations of this report.

2.13 The Authority's Strengths

Food Hygiene Interventions / Inspections Reports

Intervention / inspection reports provided to food business operators contained all the information required by the Codes of Practice.

Food Standards Complaints and Service Requests

The authority had responded to food standards complaints and service requests in accordance with their procedures and centrally issued guidance, taking appropriate action in response to the findings of investigations.

Advice to businesses

The authority had been proactive and was able to demonstrate that it works with businesses to help them comply with the law.

Control and Investigation of Food Related Infectious Disease

The authority was able to demonstrate that notifications of infectious disease had been appropriately investigated.

Incidents

The authority was able to demonstrate that it had initiated and responded to notifications of incidents in a timely and effective manner, investigating and sharing information with the FSA and other authorities.

Liaison

The authority had arrangements in place to liaise with other bodies and its arrangements to pilot a new database with other local authorities and collaborate with internal colleagues on food procurement were positive steps to ensure consistent service delivery and take a lead on food hygiene standards through purchasing power.

Food Standards Prosecutions and Simple Cautions

The authority was able to demonstrate that food standards prosecutions and simple cautions had been undertaken in accordance with relevant codes of practice, centrally issued and official guidance.

2.14 The Authority's Key Areas for Improvement**Officer authorisations**

The authority's authorisation procedures required updating and consistent implementation to ensure officers are properly authorised under all relevant legislation and in accordance with qualifications, training and experience.

Food Standards Intervention Frequencies

The authority had not carried out food standards and interventions at the minimum frequencies required by the relevant Codes of Practice. Interventions carried out at the minimum frequency ensure that risks associated with food businesses are identified and followed up in a timely manner.

Food Standards Establishment Interventions and Inspections

Information captured by officers during interventions was not always sufficiently detailed to demonstrate that thorough assessments of business compliance had been undertaken for all key aspects.

Food Standards Intervention / Inspection Reports

Food standards intervention / inspection reports provided to food business operators did not contain all the information required by the Codes of Practice.

Audit Findings

3 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1 Food law enforcement was overseen by the appointed Cabinet Member. The authority's Constitution set out its decision making arrangements. Under the Constitution, decisions on most operational matters had been delegated to the Group Director Community and Children's Services.
- 3.2 A 'Feed & Food Service Plan 2015-2016' ('the Service Plan') had been developed by the authority. There was evidence that the Service Plan had been approved by the Service Director for Public Health & Protection.
- 3.3 The Service Plan contained most of the information set out in the Service Planning Guidance in the Framework Agreement, including a profile of the authority, the organisational structure and the scope of the service. The times of operation, service delivery points and aims and objectives of the service were clearly set out.
- 3.4 The annual LAEMS return indicated that there were approximately 1969 food hygiene establishments in Rhondda Cynon Taf and 1891 food standards establishments.
- 3.5 The profiles of businesses in Rhondda Cynon Taf for food hygiene and food standards were provided by establishment type. The number of planned interventions due in 2015 / 16 were provided by risk rating.
- 3.6 In respect of food hygiene the following information was provided in the Service Plan:

Inspection type	Risk band	2013/14	2014/15	2015/16
Food Safety	A	21	17	16
	B	247	200	194
	C	522	540	533
	D	140	145	131
	E	157	165	169
	Unrated	17	29	38
	Total	1084	1096	1081
Approved premises		12	12	12

3.7 The targets and priorities for food hygiene had been identified in the Service Plan. These included a commitment to deliver all inspections / interventions due at higher-risk establishments.

3.8 In respect of lower-risk establishments, the Service Plan stated that they would receive either an inspection or would be subject to alternative enforcement activity; both in accordance with the Food Law Code of Practice.

3.9 Although, it is reported elsewhere in the service plan, the above table would benefit from inclusion of expected number of new businesses requiring intervention during the year.

3.10 The following information was provided in respect of food standards:

Food Standards	A	32	38	54
	B	543	569	568
	C	309	132	74
	Unrated	55	71	43

3.11 The targets and priorities for food standards included a commitment to deliver all inspections / interventions due at high risk establishments and where possible at medium risk establishments. Low risk establishments would receive another type of intervention.

3.12 Although, it is reported elsewhere in the service plan, the above table would benefit from inclusion of expected number of new businesses requiring intervention during the year.

3.13 The authority's priorities and intervention-targets as set out in the Service Plan, were risk based.

3.14 The resources available to deliver food law enforcement services were detailed in the Service Plan as follows:

FTE posts	Food Law Code of Practice Minimum Qualification	2012/13	2013/14	2014/15	2015/16
Food and Health & Safety Manager	BSc (Hons)/MSc Degree in Environmental Health	0.6	0.6	0.6	0.6
Senior EHO	BSc (Hons)/MSc Degree in Environmental Health	1.1	1.1	1.1	1.1
EHO	BSc (Hons)/MSc Degree in Environmental Health	6.7	7.4	7.4	6.85

Senior Technical Officer	Higher or Ordinary Certificate in Food Premises Inspection	0.9	1.7	1.7	0.7
Technical Officer	Higher or Ordinary Certificate in Food Premises Inspection	0	0	0	0
Senior Technical Assistant	Not stipulated	1	1	1	1
Technical Assistant	Not stipulated	0.7	0.7	0.7	0.7
Food Stds & Farm Enforcement Manager	Diploma in Consumer Affairs and Trading (DCATS) Standards or equivalent	1	1	1	1
TSO	DCATS or equivalent	2.75	2.75	2.75	2.75
Senior FTO	DCATS or equivalent	1	1	1	1
FTO	Not stipulated	2	2	2	1
Animal Health Officer	DCATS or equivalent	2	2	2	2
Admin Support	Not stipulated	1	1	1	1

3.15 The authority had not indicated the likely demand for each aspect of food service delivery, or made a comparison of the resources required to deliver the full range of food official controls against those available.

3.16 The Service Plan included information on the authority's Enforcement Policy and its approach to staff development, and the necessity to undertake many programmed inspections out-of-hours had been emphasised.

3.17 The authority supported businesses through its commitment to following the Primary Authority Scheme and the Home Authority Principle. This

statement would benefit from an amendment to reflect the impact on the authority of being an originating authority to each of its manufacturing establishments. The Service Plan also highlighted other approaches it would use to ensure businesses were well informed of their legal obligations.

- 3.18 Arrangements for internal monitoring or '*quality assessment*' were set-out in the Service Plan and included monitoring the number and quality of inspections and inspection reports and enforcement actions.
- 3.19 The overall costs of providing food law enforcement services had been provided in the Service Plan including the trend in growth or reduction and a breakdown of the non-fixed costs such as staffing, travel and subsistence, equipment including investment in IT and a reference to the departmental financial provision for legal action.
- 3.20 The Service Plan set out how the authority's performance in delivering food official controls would be reviewed against the previous year's plan and the latest review was included in the service plan.
- 3.21 Some variations in achieving the targets set-out in the previous Service Plan were identified in the 2015 / 16 Service Plan, however, the variance in achieving new, medium and lower risk food standards establishment interventions had not been identified as a variance.
- 3.22 The authority had incorporated a number of areas for improvement in its 2015 / 16 Service Plan, based on its review against last year's plan, however, the improvements did not address the variance in new business inspection by the food hygiene service.
- 3.23 The authority had recently emerged from a programme of resource reductions and its food services were considered for reduction in common with other services within Public Health and Protection.

Good Practice – Assessment of the impact of resource reductions

Senior officers of the service were able to influence the magnitude of reductions by providing the decision makers with detailed impact assessment information for different elements of service delivery.

Recommendations

3.24 The authority should:

- (i) Ensure future Service Plans for food hygiene and food standards are developed in accordance with the Service Planning Guidance in the Framework Agreement. In particular, an estimate of the resources required to deliver the services against those available should be provided. Also, ensure variances relating to new, medium and lower risk food standards establishment interventions are identified in the service plan and the improvements include actions to address the variance in achieving the target for new food hygiene businesses. [The Standard – 3.1]

4 Review and Updating of Documented Policies and Procedures

- 4.1 The authority had developed separate documented operational procedures on document control for the food hygiene and food standards services with the latter forming part of an accredited quality manual. The procedures included control over the production, approval, review, updating and storage of policies, procedures and associated documents.
- 4.2 Documents were stored electronically on the specified computer hard drives, protected from unauthorised access.
- 4.3 Managers were responsible for developing, reviewing and approving documents as well as ensuring they are subject to review, according to specified intervals but also as appropriate to any necessary changes. Permissions to make changes to the list of documents or individual documents are restricted to nominated individuals. They were also responsible for ensuring the removal of superseded documents.
- 4.4 Auditors were able to verify that officers had access to policies and procedures, legislation and centrally issued guidance either physically, electronically or where applicable on the internet.

Good Practice – Availability of technical advice

Food hygiene and food standards officers were provided with access to several portals of information that were maintained in an up-to-date manner. These included information on legislation and enforcement from online portals.

- 4.5 Most documents had been subject to review in line with the procedures, however, the authority's authorisation procedure was in need of updating.

Recommendations

- 4.6 The authority should:
- (i) Ensure that the authorisation procedure is updated with current information and references and is reviewed at regular intervals in accordance with document control procedures. [The Standard – 4.1 & 4.2]

Draft for Review

5 Authorised Officers

- 5.1 The Authority's Scheme of Delegation of Powers to Officers provided the Group Director for Community and Children's Services with delegated powers in respect of all powers of entry and execution of duties relating to the food hygiene and food standards services. This includes the delegated authority to authorise other officers and to authorise legal action. These powers had been further delegated to the Service Director for Public Health and Protection.
- 5.2 A documented procedure had been developed for the authorisation of officers based on their qualifications and experience. However, the process for assessing qualifications, experience and competency had not been detailed in the procedure.
- 5.3 Lead officers for food hygiene and standards and communicable disease had been appointed, all of whom had the requisite qualifications, training and were able to demonstrate appropriate knowledge.
- 5.4 The authority has systems in place to identify officer training needs including the Investors in People annual training needs assessments and internal monitoring activities. There are documented staff development plans and for both services the authority was providing a combination of in-house and externally provided training and making good use of the opportunities afforded by the FSA local authority training programme. All officers were required to achieve 10 hours of continual professional development (CPD) in accordance with the Codes of Practice. The authority carries a budget with which to deliver the required training programmes.
- 5.5 An examination of the qualification and training records of six officers involved in the delivery of official food hygiene controls and four officers involved in delivery of official food standards controls was undertaken. Records were being maintained by the authority for officers on hardcopy files.
- 5.6 All but two officers had been authorised in accordance with their qualifications, training and experience; one from each service. Officer authorisations were all up to date and with key legislation required for the delivery of the range of official food controls. However, a number of statutes that require specific authorisation had been omitted. Further,

the authority had authorised officers under the Food and Environment Protection Act 1985 for which the FSA is responsible for issuing authorisations.

- 5.7 All officers had received the minimum 10 hours of CPD required by the Codes of Practice and the authority's own policies. Further, all officers had received the necessary training to deliver the technical aspects of the work for which they are involved.

Recommendations

- 5.8 The authority should:
- (i) Review and amend its authorisations to ensure officers are appropriately authorised under all relevant legislation; and amend its procedure for the authorisation of officers to include details of the process for assessing officer competency, and ensure these assessments are documented. [The Standard – 5.1]

6 Facilities and Equipment

- 6.1 The authority had all of the necessary facilities and equipment required for the effective delivery of food hygiene and food standards services, which were appropriately stored and accessible to relevant officers.
- 6.2 Separate procedures for the maintenance of equipment had been developed for the food hygiene and food standards services. The food hygiene procedure included calibration and detailed the arrangements for ensuring that equipment, such as thermometers were properly identified, assessed for accuracy and withdrawn from use when found to be faulty. The procedure made reference to testing including in house checks, together with action to be taken where tolerances were exceeded, in accordance with centrally issued guidance.
- 6.3 Officers had been supplied with thermometers, which were being calibrated using a calibrated reference thermometer. The equipment allocated to officers was calibrated in a laboratory at least annually. Records relating to calibration were being maintained by the authority.
- 6.4 An examination of records relating to the latest calibration checks confirmed that all were within acceptable tolerances in accordance with the centrally issued guidance.
- 6.5 The authority's food databases were capable of providing the information required by the FSA. A number of checks were carried out during the audit which confirmed that databases were operated in such a way to enable accurate reports to be generated.
- 6.6 The food database, together with other electronic documents used in connection with food law enforcement services were subject to regular back-up to prevent the loss of data.
- 6.7 The authority had systems in place to ensure business continuity and minimise damage by preventing or reducing the impact of security incidents. In respect of food law enforcement services, officers had been provided with individual passwords and access for entering and deleting data had been restricted on an individual basis. Data input protocols were also in place and any issues were discussed during team meetings in order to achieve consistency.

7 Food Establishments Interventions and Inspections

Food Hygiene

- 7.1 In 2014/2015 the authority reported through LAEMS that of the 1,969 food businesses within its area all but two category A-E rated food establishments due to be inspected had been inspected. Furthermore, 89% of food businesses were 'broadly compliant' with food hygiene legislation. This represented an improvement in broad compliance of approximately 2% from 87% reported as 'broadly compliant' in the previous year.
- 7.2 Information provided during the audit indicated that the authority had adopted a risk-based approach to managing its food hygiene interventions programme. The authority reported that all establishments had received an intervention within 28 days of being due in line with the Food Law Code of Practice.

Good Practice – Procedure for prioritising new business and programmed food hygiene interventions

A new procedure to help officers prioritise programmed and new businesses had been developed, providing guidance to officers on priorities in accordance with the risk and likely risk of each premises.

- 7.3 The authority had developed documented procedures aimed at establishing a uniform approach to carrying out food hygiene interventions and revisits. Procedures were also in place for interventions at approved establishments. An examination of these procedures confirmed that all made reference to relevant legislation, had been subject to recent review, and were generally in accordance with the requirements of the Food Law Code of Practice and relevant centrally issued guidance.
- 7.4 Whilst the procedures contained reference to officers checking for red flags on establishment files before an inspection, information on the circumstances in which red flagging is appropriate and the method of red flagging after an inspection was not available. The procedure would benefit from being reviewed to include red flagging arrangements. Auditors discussed the benefit of the authority making reference to the

guidance produced by FSA Wales in collaboration with WHoEH Food Safety Expert Panel relating to red flagging establishments of concern.

- 7.5 In relation to the procedure for interventions at approved establishments auditors discussed that the appendix documents would benefit from being updated to ensure the relevant court details were completed where required. In addition, the procedure made reference to a 14 working day target for inspection reports to be sent contrary to the Food Hygiene Rating Scheme guidelines which detail 14 calendar days (to include bank holidays / weekends).
- 7.6 A food hygiene inspection aide-memoire had been developed by the authority to assist officers with inspecting food establishments and to ensure that a thorough record of visits was recorded on file.
- 7.7 During the audit, an examination of records relating to 10 food establishments was undertaken. Auditors confirmed that, in recent years, all but two establishments had been inspected at the frequencies required by the Food Law Code of Practice. However, in the remaining two cases low risk establishments had been overdue an intervention by one year or more. The Food Law Code of Practice requires that interventions take place within 28 days of their due date.
- 7.8 Inspection records were available and legible for the 10 food establishments audited and sufficient information had been captured to enable auditors to verify that officers had considered the size, scale and scope of the business operations. Where appropriate, supplier and customer information in relation to traceability was also recorded in all cases.
- 7.9 In all cases, the level of detail recorded on aide-memoires was appropriate to verify that thorough assessments of business compliance with requirements relating to Hazard Analysis Critical Control Point (HACCP) had taken place.
- 7.10 Auditors were able to confirm that, overall, an adequate assessment of training and discussions with food handlers other than the food business operator had taken place, where appropriate. There was evidence available in three cases to demonstrate that consideration had been given to imported foods. However auditors were unable to confirm

officers had undertaken checks on health / I.D. marks to verify the source of foods.

- 7.11 In nine of the 10 cases, inspection records confirmed that officers had undertaken an appropriate assessment of the effectiveness of cross contamination controls in accordance with current guidance. In the remaining case, there was insufficient information to demonstrate that officers had fully considered business compliance in protecting food against cross contamination due to details around the timing and quantity of raw meat preparation on site being only partially recorded.
- 7.12 The risk ratings applied to establishments were consistent with the inspection findings in all cases. However, an analysis of the whole database identified some officer errors relating to a small number of food hygiene risk ratings.
- 7.13 Where revisits had been required, records confirmed that these had taken place within the timescales specified in the authority's revisit procedure.
- 7.14 The authority informed the FSA prior to the audit that there were 12 approved establishments in its area, of which the records relating to 10 were examined.
- 7.15 In eight files auditors were able to confirm that the authority had followed the appropriate process of issuing approvals to establishments. In the remaining two files auditors identified that establishments had been granted full approval on a single inspection despite the addition of a new process step to their operational activity.
- 7.16 Auditors were able to confirm in all cases that recent inspections at all establishments had been undertaken at the frequency required by the Food Law Code of Practice by correctly authorised officers.
- 7.17 In general, information captured on aide-memoires during the most recent inspections of approved establishments was sufficient to confirm that full scope inspections had taken place, and that officers had undertaken thorough assessments of business compliance with food hygiene requirements. However, in one case insufficient information regarding the assessment of critical control points had been documented

by the officer. Auditors noted that the authority had recently introduced a new aide memoir to its procedure for use moving forward.

- 7.18 Auditors were able to confirm that officers had assessed the use of health marks and commercial documents by the businesses in seven cases. Likewise, in eight cases auditors were able to verify that I.D / health marks of raw materials had been adequately assessed. In the remaining cases auditors were unable to verify from the officers observations whether these checks had taken place.
- 7.19 In all cases the risk ratings that had been applied to approved establishments were consistent with the inspection findings.
- 7.20 The authority's food interventions procedure and service plan detailed when an Alternative Enforcement Strategy (AES) could be used for lower risk premises, this included an example self-assessment questionnaire as an appendix. However, the procedure did not include specific details in relation to local operational procedure and the process of checking completed AES forms. The procedure would benefit from being updated to include localised procedures in relation to the process of undertaking AES and alternating low risk D rated premises with official controls and non-official controls in accordance with the FLCOP.
- 7.21 Prior to the audit the authority provided a list of AES activity that had been undertaken in low risk premises. 10 files were selected for audit. In three cases, auditors established that D rated premises in the selected files were being alternated with official controls and non-official controls and as such were not strictly AES.
- 7.22 In the remaining seven cases, auditors were able to establish in two files that the AES activity had been reviewed by an appropriately qualified officer in line with local procedures and the FLCOP. In the remaining cases no evidence was available to suggest that the activity had been approved.
- 7.23 In one case, evidence on file suggested that a risk rating against a premise had changed during the AES process with no record of a primary inspection being undertaken.

- 7.24 Auditors identified five cases where follow-up action may have been required in light of the information recorded on the AES questionnaire. Of these, two cases contained sufficient notes to demonstrate that appropriate action had been taken. The remaining cases contained insufficient information to demonstrate what action had been taken and in one case significant changes to the business operation had been recorded with no follow up action instigated for two years.

Recommendations

- 7.25 The authority should:
- (i) Ensure that food hygiene interventions/inspections are carried out at the minimum frequency specified by the Food Law Code of Practice. [The Standard -7.1]
 - (ii) Ensure that, where applicable, approval of premises, intervention risk rating and AES are undertaken consistently in accordance with the Food Law Code of Practice, centrally issued guidance, and local procedures. [The Standard – 7.2]
 - (iii) Fully assess the compliance of establishments in its area to the legally prescribed standards; particularly, in relation to checks on the provenance of imported food and checks on health / ID marks. [The Standard -7.3]
 - (iv) Ensure that the documented procedures for interventions are reviewed to include reference to the local arrangements for red flagging. Amend the approved premises procedure to include reference to the correct timescales for reports. Review and amend the AES procedure to include specific details on check undertaken by appropriately qualified officers. [The Standard 7.4]

Verification Visits to Food Establishments

- 7.26 During the audit, verification visits were made to two food establishments with authorised officers of the authority who had carried out the last food

hygiene inspections. The main objective of the visits was to consider the effectiveness of the authority's assessment of food business compliance with food law requirements.

- 7.27 The officers were knowledgeable about the businesses and demonstrated an appropriate understanding of the food safety risks associated with the activities at each establishment. The officers demonstrated that they had carried out a detailed inspection and had appropriately assessed compliance with legal requirements and centrally issued guidance, and were offering helpful advice to the food business operators.

Food Standards

- 7.28 In 2014/15 the authority had reported through LAEMS that 92.5% of A-C rated food businesses due to be inspected had been inspected. This represented an increase of 6.64% from 85.86% in the year 2013/14.
- 7.29 There were 1935 food businesses on the authority's food standards establishment database at the time of the audit. There were a total of 68 food establishments overdue a food standards intervention at the time of the audit, of which, 59 were medium-risk, and 9 were low-risk. No high-risk rated establishments were overdue an intervention at the time of the audit.
- 7.30 The authority had developed a food standards inspection procedure which was mainly in accordance with the Food Law Code of Practice. Auditors discussed the benefits of including guidance for officers on the process of inspection.
- 7.31 A food Standards Inspection Report form, which also served as a report of visit had been developed by the authority for use by officers in recording inspection findings in most cases. However, the form did not contain sufficient fields to facilitate the necessary capture of observations made and/or data obtained in undertaking a full scope assessment of business compliance with requirements relevant to food standards. However, the Authority had been trialling the use of two food standards inspection aides-memoir; one for manufactures/large processors and one for use in non-manufacturing establishments .

- 7.32 During the audit an examination was carried out of records held on the authority's database and in hardcopy for 10 food establishments reported to have been subject to food standards inspections.
- 7.33 The file histories for seven establishments confirmed that in recent years, five had been inspected at the frequencies required by the Food Law Code of Practice. However, one medium risk establishment had been subject to an intervention five months after its due date whilst in the remaining low risk establishment, auditors were unable to establish the date of the establishment's previous intervention, and therefore determine whether or not it had received its most recent intervention in line with the frequencies specified in the Code. The Food Law Code of Practice requires that interventions take place within 28 days of their due date.
- 7.34 Records of inspection observations relating to the latest inspection were retrievable and legible in all cases examined. In three cases, officers observations had been captured using the authorities recently introduced food standards inspection aides-memoir.
- 7.35 Auditors noted that records did not generally reflect in sufficient detail the scope and depth of observations made and/or data obtained in the course of an inspection, contrary to the Code of Practice. Therefore, auditors were unable to confirm that officers had considered the size and scale of food operations, or that a thorough assessment of food standards requirements had taken place.
- 7.36 In five cases which were subject to previous interventions, auditors were unable to verify that appropriate enforcement action had taken place. In four of these cases, insufficient establishment records were available to allow auditors to verify whether recurring issues were being adequately escalated and in the remaining case, auditors were unable to verify whether previously identified food labelling offences had been adequately followed up.
- 7.37 In respect of the most recent inspections, where records indicated that follow-up action was required, auditors were able to confirm this had taken place in six cases. In three cases, there were insufficient records available to allow auditors to verify that appropriate follow up had been

undertaken whilst in the remaining case auditors were unable to verify that the planned follow up was timely.

- 7.38 The authority was using the intervention rating scheme in Annex 5 of the Food Law Code of Practice for determining food standards intervention frequencies. In seven cases, risk ratings were consistent with the information that was available on inspection records. In two cases there were insufficient records available to justify the risks to consumers and/or the activities score applied by the officer. In the remaining case, the compliance score did not reflect the nature of the contraventions identified.
- 7.39 Auditors were able to confirm in two announced cases, the notification of the intention to undertake an intervention was appropriate. Auditors were unable to verify in the remaining cases whether interventions had been unannounced in line with requirements in the Food Law Code of Practice.
- 7.40 The authority had documented its approach to the undertaking of AES interventions. It is recommended that further guidance is provided to ensure that it is clear which establishments are eligible for inclusion in the strategy.
- 7.41 The authority reported undertaking an AES scheme and 10 files were selected for examination
- 7.42 Of the 10 files selected, auditors were able to confirm that four had been subject to a primary inspection, had been risk rated appropriately and were eligible for an AES intervention in accordance with the Food Law Code of Practice. In the remaining cases, auditors were unable to verify that the establishment had received a primary inspection by a qualified and authorised officer in accordance with the code.
- 7.43 Auditors were able to confirm that in all cases, the AES had been delivered at the correct frequency. However, there were insufficient records for the way in which the AES was carried out and auditors were unable to confirm whether there were any circumstances which would have triggered a primary inspection. Further, auditors were unable to verify that a suitably authorised officer had reviewed the file when the AES involved information gathering by a non-qualified office.

Recommendations

- 7.44 The authority should:
- (i) Ensure that food standards interventions/inspections are carried out at the minimum frequency specified by the Food Law Code of Practice. [The Standard -7.1]
 - (ii) Carry out food standards interventions/inspections in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard - 7.2]
 - (iii) Assess the compliance of establishments in its area to the legally prescribed standards and take appropriate action in accordance with its Enforcement Policy. [The Standard – 7.3]
 - (iv) Amend its interventions procedures to provide guidance on the process of inspection and details on which establishments are eligible for inclusion in an alternative enforcement strategy [The Standard 7.4].
 - (v) Ensure that observations made and/or data obtained in the course of a food standards intervention/inspection are recorded in a timely manner to prevent the loss of relevant information. [The Standard – 7.5]

Verification Visit to Food Establishment

- 7.45 Verification visits were made to two food establishments with an authorised officer of the authority who had carried out the most recent food standards inspection. The main objective of these visits was to consider the effectiveness of the authority's assessment of the systems within the business for ensuring that food meets the requirements of food standards law.

- 7.46 Despite the absence of sufficiently detailed records in one case, officers were able to demonstrate their knowledge of the business and provide auditors with an assurance that assessments of food standards controls had taken place as part of the inspections.

Draft for Review

8 Food and Food Establishments Complaints

- 8.1 The authority had developed separate procedures for food hygiene and food standards complaints and service requests which outlined the criteria for investigations. The food hygiene procedure was based on a template produced by the Welsh Heads of Environmental Health (WHeEH) Food Safety Expert Panel and the food standards procedure formed part of the quality manual system. The content of both procedures was in accordance with the Food Law Code of Practice and centrally issued guidance.
- 8.2 The procedure for food standards contained specific detail in relation to timescales for responding to complaints. However, auditors established that the timescales for food hygiene complaints were generated by the authority's database software. The procedure in relation to food hygiene complaints would benefit from review to ensure that officers are aware of the correct timescales required when responding to complaints.

Food Hygiene

- 8.3 An examination of the records relating to 10 food hygiene complaints received by the authority was undertaken. Auditors established that all but one complaint had been actioned in a timely manner and within the target response times set out in the database. In the remaining case the first response to a complaint was outside of the required timescale and therefore not actioned in line with the local procedure.
- 8.4 In general, all complaints had been investigated in accordance with the authority's procedure and evidence was available to demonstrate that appropriate investigations had been carried out and the complainant had been provided with an initial response without unnecessary delay. Where applicable, complainants had been notified of the results of the investigation in all cases.
- 8.5 In all complaints where the complainant's details had been provided to the authority, evidence was available to show that they had been informed of the outcome of the investigation.

Food Standards

- 8.6 An examination of the records relating to ten food standards complaints received by the authority was undertaken. Auditors established that all complaints had been actioned in a timely manner.
- 8.7 In all cases complaints had been investigated in accordance with the authority's procedure and relevant centrally issued guidance and where the complainant's details had been provided to the authority, there was evidence that they had been informed of the outcome of the investigation.

Recommendations

- 8.8 The authority should:
- (i) Amend the relevant procedure to include target response times for food hygiene complaints or service requests. [The Standard - 8.1]
 - (ii) Ensure that food hygiene complaints or service requests are actioned within the timescales set out in local procedures. [The Standard 8.2]

9 Primary Authority Scheme and Home Authority Principle

- 9.1 The authority's commitment to the Primary Authority Scheme and Home Authority Principle was set-out in its Enforcement Policy and its Service Plan.
- 9.2 Auditors were advised that food law enforcement officers had been provided with passwords to enable them to access the Primary Authority website.
- 9.3 Home authority considerations had been included in some other work procedures, for example food complaints procedures.
- 9.4 Although the authority had no Primary Authority agreements in place, auditors were able to verify that, in its capacity as an enforcing authority, it had regard to Primary Authority guidance and followed up matters of concern with Primary Authorities, as appropriate.
- 9.5 The authority had no formal Home Authority Agreements in place, but records examined during the audit demonstrated that accurate and timely advice had been provided to businesses, and that it had responded appropriately to requests for information from other local authorities.

10 Advice to Business

10.1 The authority had been proactive in providing food hygiene and food standards advice to businesses. There was evidence that advice had been provided during interventions, as well as on request, both in writing and over the phone. This includes 32 food safety management coaching sessions since January 2015. Over 300 requests for information and advice per year were estimated for the food hygiene service in the service plan along with approximately 185 for the food standards service.

10.2 A range of information was available on the authority's website to assist local businesses, which included advice on:

- Approvals and registrations;
- Setting-up a new food businesses;
- Food hygiene inspections;
- The Food Hygiene Rating Scheme (FHRS)
- Food regulations;
- Food complaints;
- Imported food;
- Food poisoning and food borne infectious diseases;
- Food sampling;
- Food safety training.

10.3 The authority had also provided links to the Trading Standards Wales and Chartered Trading Standards Institute on its website for business advice on a comprehensive range of food standards issues.

10.4 The authority had also delivered Level 2 food hygiene training to 47 food handlers from 24 local businesses using grant funding from the FSA. All candidates passed the examination.

11 Food Establishments Database

- 11.1 The authority has documented procedures for the maintenance of the food hygiene and food standards databases. Information to update the databases is gathered from food business operators, inspection activity, licensing and planning applications, database reports, online business directories, media / advertisements, local district knowledge, other council departments and members of the public.
- 11.2 Auditors randomly selected 10 food establishments located in the authority's area from the Internet. All but two of the food establishments that remained trading had been included on the authority's database and in the food inspection programmes.
- 11.3 Audit of enforcement action files indicated the existence of more than one database code for voluntary closures. This had the potential to affect the annual enforcement monitoring return to the FSA.

Recommendations

- 11.4 The authority should:
- (i) Implement its documented procedures for ensuring its database is accurate, reliable and up to date including ensuring information on enforcement actions is correct at all times. [The Standard – 11.2]

12 Food Inspection and Sampling

- 12.1 The authority's Service Plan contained aims and objectives that made specific reference to the monitoring and sampling of food to verify compliance with statutory requirements.
- 12.2 Separate policies relating to food standards and food hygiene sampling activities had also been developed. In respect of food hygiene, auditors discussed the benefit of providing further details in respect of out of hours sampling whilst both policies would benefit from further development with respect to sampling foods in different states and its policy with regards to foods imported from third countries.
- 12.3 Programmes for the microbiological examination and chemical analysis of food that had regard to national and regional priorities had been developed and implemented. In addition to funding its own sampling programme, the authority had benefited from FSA grant funding for food standards samples
- 12.4 Procedures had been developed for the microbiological sampling of foods, which were generally in accordance with the Food Law Code of Practice and official guidance. However, information relating to the specific equipment required to sample and the authority's storage and transport arrangements had been omitted. Auditors discussed the benefit of providing guidance with regards to the documentation required for the submission of samples and notifying relevant parties of analysis results.
- 12.5 A separate procedure had also been developed for the sampling of foods in relation to chemical analysis which were generally in accordance with the Food Law Code of Practice. The procedure would benefit from including details in relation to the procurement and purchase of samples and the documentation required for the submission of samples and notifying relevant parties of analysis results. During the audit, the authority made a commitment to provide further guidance to officers in relation to the follow up of unsatisfactory sample results.
- 12.6 The authority had appointed a Public Analyst for carrying out analyses of food and had a formal agreement in place with Public Health Wales for

the microbiological analysis of food. The laboratories were both on the recognised list of UK designated Official Laboratories.

Food Hygiene

- 12.7 Audit checks of records relating to 10 samples submitted for microbiological examination were undertaken, of which three had been notified as being unsatisfactory by the authority but were subsequently judged to be borderline results whilst one was subsequently found to be satisfactory due to an incorrect criteria applied by the laboratory. All samples had been procured by an appropriately trained and authorised officer and results were available on food establishment files.
- 12.8 In the three applicable cases, businesses had been informed of borderline results, but evidence of appropriate follow-up action in relation to these cases was not available.

Food Standards

- 12.9 An examination of the records relating to 10 food standards samples was undertaken, of which seven related to unsatisfactory results. All samples had been appropriately procured by trained and authorised officers and auditors were able to confirm that sample results were available on food establishment files in nine out of 10 samples examined.
- 12.10 Auditors were able to confirm that sampling had been appropriately undertaken in accordance with the Food Law Code of Practice in six cases. In the remaining cases, relating to unsatisfactory samples, there was insufficient evidence to enable auditors to confirm that follow-up action had taken place. The owner, importer or manufacturer had been informed in writing of the unsatisfactory results in two cases however auditors were able to confirm that where applicable, liaison with the Primary, Home or Originating authority had taken place in all cases.

Recommendations

- 12.11 The authority should:
- (i) Amend and implement its sampling policy for the microbiological examination and chemical analysis of food, which accords with the Food Law Code of Practice and centrally issued guidance. [The Standard – 12.4]
 - (ii) Amend and implement its documented procedure for microbiological sampling of foods to include information relating to the specific equipment required to sample and the authority's storage and transport arrangements, which accords with the Food Law Code of Practice and centrally issued guidance. [The Standard – 12.5]
 - (iii) Amend and implement its documented procedure for the chemical analysis sampling of foods to include information relating to procurement and purchase of samples, which accords with the Food Law Code of Practice and centrally issued guidance. [The Standard – 12.5]
 - (iv) Take appropriate action in accordance with its Enforcement Policy where sample results are not considered to be satisfactory. [The Standard – 12.7]

13 Control and Investigation of Outbreaks and Food Related Infectious Disease

- 13.1 The authority had identified a lead officer for communicable disease along with other designated officers to assist in investigation and assessment of notifications received by the authority.
- 13.2 The Wales Outbreak Plan, containing information on the management of communicable disease outbreaks in Wales, had been approved for adoption by a senior officer of the authority. The plan had been produced by a multi-agency group, including Public Health Wales and Welsh Government. Auditors noted that the plan had not been localised to include the contact details for neighbouring local authorities and other agencies that have a role in the control of outbreaks. However, officers had access to this information within a separate document stored on their shared network drive.
- 13.3 A procedure for investigating sporadic cases of food related infectious disease notifications had been produced by the authority, which was supplemented by a range of pathogen specific advisory leaflets and investigation questionnaires.
- 13.4 The authority had formal arrangements in place to respond to notifications of food related infectious diseases received outside normal working hours involving contact with an appropriately qualified officer. The arrangements were not tested as part of the audit.
- 13.5 Notifications relating to eight sporadic cases of food related infectious diseases were selected for audit. Completed questionnaires were available in seven cases, which confirmed that officers had interviewed infected persons and that thorough and timely investigations had been carried out in accordance with the authority's procedures and target response times.
- 13.6 In one case, an investigation record for a sporadic case of Campylobacter was not available. However, auditors established that appropriate and timely contact had been made and follow up action taken in line with the authority's procedure prior to the case being closed.

- 13.7 The authority reported one outbreak in the two years prior to the audit. Auditors established that this outbreak had been a cross boundary outbreak occurring in a neighbouring authority. However, detailed evidence was available to demonstrate that a thorough investigation had been undertaken for cases within the authority area. The authority also had representation on relevant outbreak control meetings in line with the local procedure.
- 13.8 Records relating to the control and investigation of food related infectious disease were being retained by the authority for at least six years.

Draft for Review

14 Food Safety Incidents

- 14.1 The authority had developed a policy and procedures for dealing with incidents and food alerts and which also referred to the issue of food alerts arising from within the area.
- 14.2 Auditors were able to verify that a sample of five recent food alerts for action notified to the Authority by the Agency had been received and actioned as appropriate in accordance with the instructions issued by the FSA.
- 14.3 Auditors were able to verify that the Authority was aware of the requirement to notify the FSA of any serious localised and non-localised food hazards arising locally and had recently done so when this was required.
- 14.4 Action taken by the authority had been documented and correspondence, including officer e-mails relating to food alerts, had been maintained.

15 Enforcement

- 15.1 The authority had developed a Corporate Enforcement Policy that covered regulatory functions exercised by the food hygiene and food standards services. The Policy was approved by the Service Director for Public Health and Protection and was made available to the public and businesses on the authority's website.
- 15.2 The policy advocated a graduated approach to enforcement and was generally in accordance with Food Law Code of Practice and other official guidance. The policy provided criteria for the taking of informal action, statutory notices, other formal actions, simple cautions and prosecution action and made reference to the Primary and Home Authority schemes.
- 15.3 The taking of action in council operated establishments was not addressed in the policy, however, arrangements were included in the food law enforcement procedure.
- 15.4 Procedures for the withdrawal or suspension of approvals had been documented in the approved premises procedure and was in accordance with the Food Law Code of Practice.
- 15.5 Separate enforcement procedures had been developed for the food hygiene and food standards services for most enforcement actions with the exception of voluntary surrenders where a combined procedure was in use. Auditors noted that no procedure was available for the inland control of imported food
- 15.6 The authority had developed a separate procedure for food standards with respect to prosecutions and the administration of simple cautions. Auditors discussed the benefit of detailing the evidence required to be submitted before administering a simple caution in this procedure. A procedure was available to cover the relevant enforcement notices used by the food standards team. However, auditors discussed the benefit of the authority developing a local procedure for voluntary surrenders with respect to Food Standards.
- 15.7 The authority's food hygiene Enforcement Procedure contained reference to a number of enforcement options; these included procedures for Hygiene Improvement Notices (HIN), Emergency

Hygiene Prohibition Notices (HEPN), Prohibition Notices and Orders, Remedial Action Notices (RANs), simple cautions, prosecutions, voluntary surrenders and the undertaking of voluntary closures. The procedure was based on the All Wales Expert Panel templates and generally in accordance with the requirements of the Food Law Code of Practice. However, auditors discussed the benefit of reviewing the Hygiene Improvement Notices (HIN), Remedial Action Notices (RANs) and Voluntary Surrenders sections in order to provide localised instructions in relation to the method and record of service, checks on compliance, the local arrangements for the destruction and disposal of food and the use of approved templates. Furthermore, in the case of RANs auditors discussed the benefit of amending the procedure to omit those premises that are not eligible for detention notices served under the food hygiene regulations.

- 15.8 With respect to the prosecution procedure for the food hygiene service, auditors discussed the need to clearly document its process for instigating prosecution proceedings and administering simple cautions. Auditors were advised that the food hygiene service followed the procedures within the food standards quality manual however no reference was made to this within the local procedure.
- 15.9 An examination of database records, indicated that all of the establishments which had fulfilled the health risk conditions requiring closure, had been remedied through appropriate enforcement action without the need to escalate further. In addition, there were four zero rated establishments, two of which had been subject to formal enforcement action to remedy the problems identified. The remaining two had not been subject to formal enforcement action in accordance with the enforcement policy. Where serious hygiene contraventions are identified, auditors advised of the need to document decisions in accordance with its Enforcement Policy.
- 15.10 The authority demonstrated a commitment to using both informal and some formal enforcement sanctions to secure compliance with food hygiene and standards legislation and had reported in pre-audit documentation that the following formal enforcement actions had been taken in the two years prior to the audit.

- 15.11 The following formal enforcement actions had been reported, in pre-audit documentation, as having been undertaken in the two years prior to the audit:
- 86 Hygiene Improvement Notices (HINs);
 - 3 Remedial Action Notices;
 - 5 Fixed Penalty Notices for display of FHRS rating;
 - 6 Voluntary Closures;
 - 5 Voluntary surrenders of food;
 - 3 simple cautions;
 - 16 prosecution decisions
- 15.12 Ten Hygiene Improvement Notices (HINs) and associated records were selected for audit. In all cases, the service of HINs had been the appropriate course of action, the details of the contraventions identified and the measures to be taken to achieve compliance had been specified. Auditors noted that appeal information was available on the notice in eight cases. However, two of these cases did not contain local court details in accordance with the Food Law Code of Practice. The remaining cases related to either administrative errors on documents or true copies not being available on file.
- 15.13 In seven cases, auditors were able to verify that a timely check on compliance had been undertaken on expiry of the notice. However, in the remaining cases records did not contain sufficient information to demonstrate that a timely check on compliance had been undertaken in line with local procedures. Auditors were advised that these cases were due to officers leaving the authority after the notices had been served.
- 15.14 Audit checks were undertaken of three RANs and associated records, which confirmed that the action taken had been appropriate in relation to the specific circumstances of the cases involved. However, auditors noted that in one case the notice was served two weeks after the officer discovering that the Food Business Operator was non-compliant with food hygiene regulations.
- 15.15 In all cases, auditors were able to verify that there was proper evidence of service but auditors were unable to verify that Food Business

Operators had been provided with the necessary information relating to their appeal provisions.

- 15.16 There was evidence that timely checks on compliance had been carried out in one case. In one of the remaining cases, records indicated that the notice had been withdrawn one month following its service; however, there were no records of any checks in the interim period. In the remaining case, where the notice was still in force, auditors were unable to verify that checks were made in a timely manner following the service of the notice and since the establishment's last follow up visit.
- 15.17 Auditors examined the records of six voluntary closures which had been undertaken by the authority in the two years prior to the audit. In all cases auditors were able to verify that the issue of a voluntary closure was a suitable course of action. Also in all cases, regular checks on compliance, to verify that the voluntary closure was being complied with, had been carried out in accordance with the relevant procedure.
- 15.18 In the five cases where food had been subject to a voluntary surrender, the action taken had been appropriate and in accordance with the Food Law Code of Practice. In all cases, receipts had been provided for the voluntary surrendered food for destruction which had been signed by the officer and counter signed by the person surrendering the food. In all cases, auditors discussed the need to ensure that the time, place and method of destruction is documented and a record of destruction is retained by the authority.
- 15.19 The authority had administered three Simple Cautions and successfully prosecuted 11 businesses for food standards offences in the two years prior to the audit. Further, three businesses had been successfully prosecuted for food hygiene offences in the same period. In all cases, Simple Cautions and Prosecutions had been an appropriate course of action in the circumstances, and had been taken or administered in accordance with its enforcement policy and centrally issued guidance.

Recommendations

15.20 The authority should:

- (i) Review, amend and implement its documented enforcement procedures for hygiene improvement notices, remedial action notices and detention notices to include local process information and document its procedure for undertaking simple cautions and prosecutions with respect to Food Hygiene and document its detention and seizure procedure with respect to Food Standards. Furthermore, the procedure in relation to Hygiene Improvement Notices should be amended to ensure that appropriate appeal and court details are included on document templates. [The Standard - 15.2]
- (ii) Ensure that food hygiene enforcement including Remedial Action Notices, Hygiene Improvement Notices and voluntary surrenders are carried out in accordance with the Food Law Code of Practice, centrally issued and official guidance and local procedures. [The Standard – 15.2 & 15.3]
- (iii) Ensure all decisions on enforcement action are documented and are made following consideration of the authority's enforcement policy. Document the reasons for any departure from the criteria set-out in the Enforcement Policy. [The Standard - 15.4]

16 Records and Interventions/Inspections Reports

Food Hygiene

- 16.1 Food business records, including registration forms, inspection aide-memoires, post inspection visit report forms and correspondence were being stored by the authority on its electronic food establishment database. Details of the date and types of intervention undertaken at food establishments, as well as the risk profiles and food hygiene ratings, were also maintained on the system. Information relating to food establishments selected for audit was provided by the authority in hard copy and through access to the database. Where relevant, information relating to the last three inspections was available and records were being retained for six years.
- 16.2 Food registration forms were available on file in nine out of 10 cases in relation to food hygiene intervention files and in eight of these cases registration forms were date stamped in line with the local procedure.
- 16.3 In all cases, approved establishment files contained a synopsis, HACCP documentation, notification document and establishment layout plans. The remainder of the information required in Annex 10 of the Food Law Practice Guidance was mostly available with the exception of some minor information in isolated cases. Establishment files for approved premises would benefit from a review against the documents required by Annex 10 to ensure that all required information is available, retrievable and up to date in all cases.
- 16.4 Officers were leaving 'report of a visit' notifications post inspection in addition to sending out inspection letters to communicate findings to food businesses. Inspection letters clearly differentiated between legal requirements and recommendations for good practice. These letters also detailed corrective actions and the timescales required to achieve compliance, as well as indicating any further follow-up action intended by the authority.
- 16.5 Post-inspection letters contained all the information required to be provided to food business operators under Annex 6 of the Food Law Code of Practice.

- 16.6 In all of the cases examined the latest inspection letters had been sent to businesses within 14 days from the date of the visit, as required by the authority's procedures and Food Hygiene Rating legislation.

Food Standards

- 16.7 The outcome of inspections was being reported to businesses using food standards inspection report forms. Report forms were being maintained electronically on the database and in hardcopy. Information relating to intervention activity, including the date, type of intervention undertaking and risk rating for the establishment was also recorded on the database.
- 16.8 All business operators of the establishments selected for audit had been provided with report forms at the conclusion of the most recent inspection at their trading address. However, in one case, auditors were unable to verify that a copy of the inspection report had been sent to the establishments registered address.
- 16.9 Report forms contained some of the information required by Annex 6 of the Food Law Code of Practice. However, key information not consistently provided included: the type of establishment visited, areas inspected, documents examined and samples taken, the key points discussed during the inspection, a distinction between legal requirements and recommendations of good practice, timescales for achieving compliance and the action to be taken by the authority. Further, the specific food law under which the inspection was conducted and the contact details of a senior officer were not provided on the inspection report form.
- 16.10 The authority was unable to demonstrate that food standards records were being consistently maintained for at least six years.

Recommendations

- 16.11 The authority should:
- (i) Maintain up to date accurate records of all food establishments in its area in accordance with the Food Law Code of Practice and centrally issued guidance. These records shall include reports of all interventions / inspections (including copies of food inspection reports), the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified and details of any enforcement action taken. [The Standard – 16.1]
 - (ii) Ensure that businesses, including their head offices, are provided with reports following an intervention and that food standards inspection report forms provided following interventions/inspections contain all of the information required by Annex 6 of the Food Law Code of Practice. [The Standard – 16.1]
 - (iii) Ensure that records are kept for at least 6 years. [The Standard – 16.2]

17 Complaints about the Service

- 17.1 The authority had developed both a corporate complaints policy and a departmental policy which were available to the public and food businesses on its website.
- 17.2 Complaints were dealt with under a two stage procedure, initially by the relevant service manager and then, if the customer was not satisfied by the Corporate Complaints officer.
- 17.3 Two complaints against the food hygiene service had been received in the two years prior to the audit. These were both dealt with in accordance with policy and were unfounded.
- 17.4 Auditors noted that the details of a senior officer was provided on food hygiene correspondence should businesses wish to complain following an inspection or other intervention.

18 Liaison with Other Organisations

18.1 The authority had liaison arrangements in place with a number of external groups aimed at ensuring efficient, effective and consistent enforcement. Auditors were able to confirm that the authority had been represented on the following forums for local authority regulatory services:

- WHoTS Food Standards and Labelling Enforcement Group;
- South East Wales Food Safety Task Group;
- Communicable Disease Liaison Group;
- Glamorgan Food Group;
- All Wales Food Safety Expert Panel;
- Lead Officers Food Hygiene Rating Steering Group;
- South East Wales Communicable Disease Task Group.

18.2 The authority also provided evidence of effective liaison arrangements with the following external organisations:

- Food Standards Agency in Wales;
- The Wales Food Fraud Co-ordination Unit;
- Public Health Wales Consultant in Communicable Disease Control (CCDC);
- Public Health Wales Communicable Disease Surveillance Centre (Wales);
- Public Analyst;
- Welsh Local Government Association,
- Local Government Regulation,
- Welsh Government;
- Welsh Water;
- Chartered Institute of Environmental Health;
- Trading Standards Institute;
- Better Regulation Delivery Office;
- DEFRA Egg Marketing Inspectorate;
- Police services;
- Trade bodies e.g. International Federation of Spirit Producers.

18.3 Auditors were able to verify that mechanisms were in place for effectively liaising with internal departments, including Planning and Building Control Services, Licensing, Education and Social Services.

19 Internal Monitoring

- 19.1 Internal monitoring is important to ensure performance targets are met, services are being delivered in accordance with legislative requirements, centrally issued guidance and the authority's procedures. It also ensures consistency in service delivery.
- 19.2 A number of key performance indicators had been identified for the food hygiene and standards services. Quantitative internal monitoring arrangements were in place to monitor performance against the targets, which had been set-out in the service plan. Performance records were kept on the corporate performance monitoring database and monitoring within this system was quarterly. Further monitoring of the progress of intervention programmes occurred during one to one workload reviews and team meetings.
- 19.3 Separate documented internal monitoring procedures had been developed for the food hygiene (based on the all Wales FSEP procedure) and food standards services.
- 19.4 The team managers and senior officers were responsible for internal monitoring of the food enforcement services at an operational level.
- 19.5 Auditors were able to verify that some qualitative monitoring is being undertaken across both services including database checks, accompanied inspections and record checks. Records maintained, in accordance with the procedure, were able to confirm the nature and extent of the monitoring activity. The food standards procedure would benefit from further development to include activities such as AES and sampling follow ups before being fully implemented.
- 19.6 Regular team meetings and one to one meetings were also conducted to feedback and share information on the validation of both quantity and quality of work. The authority was able to demonstrate that officer progress in meeting performance targets, training and qualitative aspects of their work had been discussed in team meetings and during individual supervision meetings.
- 19.7 Officers had attended training to ensure the consistent application of food hygiene risk ratings, in accordance with Annex 5 of the Food Law

Code of Practice. It had also recently participated in a national consistency exercise co-ordinated by the FSA.

- 19.8 The authority has also conducted customer surveys to gain external feedback on some aspects of service delivery.
- 19.9 The records relating to internal monitoring that were available, were being maintained by managers for at least two years.

Recommendation

- 19.10 The authority should:
- (i) For the food standards service, expand its procedures to verify its conformance with the Standard, relevant legislation, the relevant Codes of Practice, centrally issued guidance and the authority's documented policies and procedures. [The Standard – 19.2]

20 Third Party or Peer Review

- 20.1 In January 2014 the authority, in common with the other 21 local authorities in Wales, had submitted information in respect of two FSA focused audits - Response of Local Government in Wales to the Recommendations of the Public Inquiry into the September 2005 Outbreak of *E. coli* O157 in South Wales and Local Authority Management of Interventions in Newly Registered Food Businesses. These focused audit reports are available at:
www.food.gov.uk/enforcement/auditandmonitoring
- 20.2 The outstanding actions arising out of the focussed audits were addressed during this audit and these all related to the Local Authority Management of Interventions in Newly Registered Food Businesses. A risk based approach to managing interventions in new businesses had now been documented and implemented. Where matters remained outstanding from the audit, they were absorbed into the recommendations within this report.
- 20.3 The authority's arrangements for responding to emergencies out-of-office hours were tested by the FSA in March 2014. An appropriate response was received.
- 20.4 The authority's Environmental Health functions, which included the food hygiene service and the investigation of food related infectious disease, had been subject to a review by the Wales Audit Office in 2013/14. The report's findings were reported to the Corporate Management Team and the authority's Overview and Scrutiny Committee.

21 Food Safety and Standards Promotion

21.1 The authority had delivered a number of initiatives with the aim of promoting food hygiene and standards. Activities included:

- Promotion of FSA's Chicken Challenge during Food Safety Week,
- talks to local licensed traders on FHRs in 4 formal sessions,
- use of social media to publicise FHRs ratings,
- use of social media to publicise food alerts,
- publicity for food prosecutions via the press.

Good Practice – Use of social media

The authority had used social media to promote the Food Hygiene Rating Scheme and to publicise food alerts.

21.2 Information on food hygiene and food standards services was available for consumers and businesses on the authority's website.

21.3 Records of promotional activities were being maintained by the lead officers.

Auditors:

Lead Auditor: **Craig Sewell**

Auditors: Owen Lewis
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ANNEX A

Action Plan for Rhondda Cynon Taf County Borough Council
Audit Date: 11th – 15th April 2016

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.24 (i) Ensure future Service Plans for food hygiene and food standards are developed in accordance with the Service Planning Guidance in the Framework Agreement. In particular, an estimate of the resources required to deliver the services against those available should be provided. Also, ensure variances relating to new, medium and lower risk food standards establishment interventions are identified in the service plan and the improvements include actions to address the variance in achieving the target for new food hygiene businesses. [The Standard – 3.1]</p>			
<p>4.6 (i) Ensure that the authorisation procedure is updated with current information and references and is reviewed at regular intervals in accordance with document control procedures. [The Standard – 4.1 & 4.2]</p>			

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
7.25 (i) Ensure that food hygiene interventions/inspections are carried out at the minimum frequency specified by the Food Law Code of Practice. [The Standard - 7.1]			
7.25 (ii) Ensure that, where applicable, approval of premises, intervention risk rating and AES are undertaken consistently in accordance with the Food Law Code of Practice, centrally issued guidance, and local procedures. [The Standard – 7.2]			
7.25 (iii) Fully assess the compliance of establishments in its area to the legally prescribed standards; particularly, in relation to checks on the provenance of imported food and checks on health / ID marks. [The Standard -7.3]			
7.25 (iv) Ensure that the documented procedures for interventions are reviewed to include reference to the local arrangements for red flagging. Amend the approved premises procedure to include reference to the correct timescales for reports. Review and amend the AES procedure to include specific details on check undertaken by appropriately qualified officers. [The Standard 7.4]			

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
7.44 (i) Ensure that food standards interventions/inspections are carried out at the minimum frequency specified by the Food Law Code of Practice. [The Standard - 7.1]			
7.44 (ii) Carry out food standards interventions/inspections in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard - 7.2]			
7.44 (iii) Assess the compliance of establishments in its area to the legally prescribed standards and take appropriate action in accordance with its Enforcement Policy. [The Standard - 7.3]			
7.44 (iv) Amend its interventions procedures to provide guidance on the process of inspection and details on which establishments are eligible for inclusion in an alternative enforcement strategy [The Standard 7.4] 7.44 (v) Ensure that observations made and/or data obtained in the course of a food standards intervention/inspection are recorded in a timely manner to prevent the loss of relevant information. [The Standard - 7.5]			

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
8.8 (i) Amend the relevant procedure to include target response times for food hygiene complaints or service requests. [The Standard - 8.1]			
8.8 (ii) Ensure that food hygiene complaints or service requests are actioned within the timescales set out in local procedures. [The Standard 8.2]			
11.4 (i) Implement its documented procedures for ensuring its database is accurate, reliable and up to date including ensuring information on enforcement actions is correct at all times. [The Standard – 11.2]			
12.11 (i) Amend and implement its sampling policy for the microbiological examination and chemical analysis of food, which accords with the Food Law Code of Practice and centrally issued guidance. [The Standard – 12.4]			

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>12.11 (ii) Amend and implement its documented procedure for microbiological sampling of foods to include information relating to the specific equipment required to sample and the authority's storage and transport arrangements, which accords with the Food Law Code of Practice and centrally issued guidance. [The Standard – 12.5]</p>			
<p>12.11 (iii) Amend and implement its documented procedure for the chemical analysis sampling of foods to include information relating to procurement and purchase of samples, which accords with the Food Law Code of Practice and centrally issued guidance. [The Standard – 12.5]</p>			
<p>12.11 (iv) Take appropriate action in accordance with its Enforcement Policy where sample results are not considered to be satisfactory. [The Standard – 12.7]</p>			

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>15.20 (ii) Ensure that food hygiene enforcement including Remedial Action Notices, Hygiene Improvement Notices and voluntary surrenders are carried out in accordance with the Food Law Code of Practice, centrally issued and official guidance and local procedures. [The Standard – 15.2 & 15.3]</p>			
<p>15.20 (iii) Ensure all decisions on enforcement action are documented and are made following consideration of the authority's enforcement policy. Document the reasons for any departure from the criteria set-out in the Enforcement Policy. [The Standard - 15.4]</p>			

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>16.11 (i) Maintain up to date accurate records of all food establishments in its area in accordance with the Food Law Code of Practice and centrally issued guidance. These records shall include reports of all interventions / inspections (including copies of food inspection reports), the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified and details of any enforcement action taken. [The Standard – 16.1]</p>			
<p>16.11 (ii) Ensure that businesses, including their head offices, are provided with reports following an intervention and that food standards inspection report forms provided following interventions/inspections contain all of the information required by Annex 6 of the Food Law Code of Practice. [The Standard – 16.1]</p>			
<p>16.11 (iii) Ensure that records are kept for at least 6 years. [The Standard – 16.2]</p>			

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>19.10 (i) For the food standards service, expand its procedures to verify its conformance with the Standard, relevant legislation, the relevant Codes of Practice, centrally issued guidance and the authority's documented policies and procedures. [The Standard -- 19.2]</p>			

Draft for Review

ANNEX B***Audit Approach/Methodology***

The audit was conducted using a variety of approaches and methodologies as follows:

(1) Examination of Local authority policies and procedures

The following policies, procedures and linked documents were examined:

- Rhondda Cynon Taf County Borough Council – Feed & Food Service Plan, 2015 – 2016
- Public Health and Protection - Feed & Food Service Plan Approval, 2015 – 2016
- Public Health & Protection – 2015/16 Action Plan
- Rhondda Cynon Taf County Borough Council – Environmental Services Scrutiny Committee Agenda item 4 – 27 January 2014
- Rhondda Cynon Taf County Borough Council – Environmental Services Scrutiny Committee Agenda item 3 – 10 March 2014
- Document Control Procedure – Ref FH001, 19 February 2016
- Trading Standards Service - Quality Manual – Issue 5, May 2014
- Authorisation Procedure – AP1, May 2004
- The Constitution – Section 5, 19 August 2015 – General Scheme of Delegation of Executive and Non-Executive Functions to Officers
- Training Programme 2014-15 & 2015-16
- Calibration and Maintenance Procedure – Ref FH014, 2 March 2016
- Existing Protocols to Ensure Maintenance and Integrity of the Flare Premises Database
- Approved Premises Inspection Form
- Approved Premises Procedure – Ref FH011, 18 February 2016
- Food Hygiene Interventions Procedure – Ref FH003, 28 January 2016
- Food Hygiene Inspection Report Letter
- Food Hygiene Rating Procedure – Ref FH016, 10 March 2016
- Procedure For Dealing With Proposed Water Disconnections
- Inspection Report Form
- Food Standards Inspection Forms
- Food Complaints Policy – Ref FH009, 4 February 2016
- Food Complaints Procedure – Ref FH010, 4 February 2016
- Rhondda Cynon Taf County Borough Council – Advice to Business
- Rhondda Cynon Taf County Borough Council – Trading Standards Business Advice
- New Business Notification and Database Accuracy Procedure – Ref FH015, 3 March 2016
- Food Sampling Policy – Ref FH005, 11 February 2016

- Food Sampling Procedure – Ref FH006, 18 February 2016
- Food Safety Sampling Programme 2014/15 & 2015/16
- Food Standards Sampling Plan 2014/15 & 2015/16
- The Communicable Disease Outbreak Plan for Wales – 'The Wales Outbreak Plan' – April 2014
- Communicable Disease Investigation Procedure – Ref FH012, 19 February 2016
- Food Alerts and Incidents Policy – Ref FH007, 4 February 2016
- Food Alerts and Incidents Procedure – Ref FH008, 4 February 2016
- Corporate Enforcement Policy – August 2015
- Record of decision by Executive to adopt a revised version of Corporate Enforcement Policy – August 2015
- Approved Premises Procedure – Ref FH011, 18 February 2016
- Food Hygiene Revisits Procedure – Ref FH004, 28 January 2016
- Food Law Enforcement Procedure – Ref FH002, 11 February 2016
- Complaints and Concerns Policy – 6 February 2013
- Internal Monitoring Procedure – Ref FH013, 25 February 2016
- Rhondda Cynon Taf County Borough Council – Food Standards Agency Focused Audit Findings – 14 May 2014

(2) File and records reviews

A number of local authority records were reviewed during the audit, including:

- General food establishment records
- Approved establishment files
- Food and food establishment complaint records
- Food sampling records
- Informal and formal enforcement records
- Officer authorisations and training records
- Internal monitoring records
- Calibration records
- Records of food related infectious disease notifications
- Food Incident records
- Minutes of internal meetings and external liaison meetings
- Advisory and promotional materials provided to businesses and consumers

(3) Review of Database records:

A selection of database records were considered during the audit in order to:

- Review and assess the completeness of database records of food inspections, food and food establishment complaint investigations, samples taken by the authority, formal enforcement and other activities and to verify consistency with file records.
- Assess the completeness and accuracy of the food establishments database.
- Assess the capability of the system to generate food law enforcement activity reports and the monitoring information required by the Food Standards Agency.

(4) Officer interviews

Officer interviews were carried out with the purpose of gaining further insight into the practical implementation and operation of the authority's food control arrangements. The following officers were interviewed:

- Food and Health & Safety Manager
- Senior Environmental Health Officer
- Environmental Health Officers, including officer with lead responsibility for communicable disease
- Senior Technical Assistant
- Trading Standards Manager
- Senior Food and Agricultural Standards Officer
- Senior Trading Standards Officer
- Trading Standards Officers including officer with lead responsibility for food standards

Opinions and views raised during officer interviews remain confidential and are not referred to directly within the report.

(5) On-site verification checks:

Verification visits were made with officers to four local food establishments. The purpose of these visits was to consider the effectiveness of the authority's assessment of food business compliance with relevant requirements.

ANNEX C***Glossary***

Approved establishments	Food manufacturing establishment that has been approved by the local authority, within the context of specific legislation, and issued a unique identification code relevant in national and/or international trade.
Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
CPIA	The Criminal Procedures and Investigations Act 1996 – governs procedures for undertaking criminal investigations and proceedings.
Critical Control Point (CCP)	A stage in the operations of a food business at which control is essential to prevent or eliminate a food hazard or to reduce it to acceptable levels.
Directors of Public Protection Wales (DPPW)	An organisation of officer heading up public protection services within Welsh local authorities.
Environmental Health Professional/Officer (EHP/EHO)	Officer employed by the local authority to enforce food safety legislation.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food Hazard Warnings/ Food Alerts	This is a system operated by the Food Standards Agency to alert the public and local authorities to national or regional problems concerning the safety of food.

Food/feed hygiene	The legal requirements covering the safety and wholesomeness of food/feed.
Food Hygiene Rating Scheme (FHRS)	A scheme of rating food businesses to provide consumers with information on their hygiene standards.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Food Standards Agency (FSA)	The UK regulator for food safety, food standards and animal feed.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
HACCP	Hazard Analysis Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the Control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.

Home authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Hygiene Improvement Notice (HIN)	A notice served by an Authorised Officer of the local authority under Regulation 6 of the Food Hygiene (Wales) Regulations 2006, requiring the proprietor of a food business to carry out suitable works to ensure that the business complies with hygiene regulations.
Inspection	The examination of a food or feed establishment in order to verify compliance with food and feed law.
Intervention	A methods or technique used by an authority for verifying or supporting business compliance with food or feed law.
Inter authority Auditing	A system whereby local authorities might audit each others' food law enforcement services against an agreed quality standard.
LAEMS	Local authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
National Trading Standards Board (NTSB)	An association of chief trading standards officers.
OCD returns	Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Official Controls (OC)	Any form of control for the verification of compliance with food and feed law.

Originating authority	An authority in whose area a business produces or packages goods or services and for which the authority acts as a central contact point for other enforcing authorities' enquiries in relation to the those products.
PACE	The Police and Criminal Evidence Act 1984 – governs procedures for gathering evidence in criminal investigations.
Primary authority	A local authority which has developed a partnership with a business which trades across local authority boundaries and provides advice to that business.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
Registration	A legal process requiring all food business operators to notify the appropriate food authority when setting-up a food business.
Remedial Action Notices (RAN)	A notice served by an Authorised Officer of the local authority under Regulation 9 of the Food Hygiene (Wales) Regulations 2006 (as amended) on a food business operator to impose restrictions on an establishment, equipment or process until specified works have been carried out to comply with food hygiene requirements.
Risk rating	A system that rates food establishments according to risk and determines how frequently those establishments should be inspected. For example, high risk hygiene establishments should be inspected at least every 6 months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.
Trading Standards	The service within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feedingstuffs legislation.

Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feedingstuffs legislation.
Unitary authority	A local authority in which all the functions are combined, examples being Welsh Authorities and London Boroughs. A Unitary authority's responsibilities will include food hygiene, food standards and feedingstuffs enforcement.
Unrated business	A food business identified by an authority that has not been subject to a regulatory risk rating assessment.
Wales Heads of Environmental Health (WWhoEH)	A group of professional representatives that support and promote environmental and public health in Wales.

Action Plan for Rhondda Cynon Taf County Borough Council**Audit Date: 11th – 15th April 2016**

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.24 (i) Ensure future Service Plans for food hygiene and food standards are developed in accordance with the Service Planning Guidance in the Framework Agreement. In particular, an estimate of the resources required to deliver the services against those available should be provided. Also, ensure variances relating to new, medium and lower risk food standards establishment interventions are identified in the service plan and the improvements include actions to address the variance in achieving the target for new food hygiene businesses. [The Standard – 3.1]	Completed	Ensure Food Delivery Plan for 2016-17 includes the audit recommendations	Food Delivery Plan for 2016-17 prepared which addresses the recommendations from the audit.
4.6 (i) Ensure that the authorisation procedure is updated with current information and references and is reviewed at regular intervals in accordance with document control procedures. [The Standard – 4.1 & 4.2]	31.12.16	Adopt revised Corporate Scheme of Delegation within the Department. Review the Department Officer Authorisation Procedure, as required, to implement the audit recommendations.	Corporate Scheme of Delegation Approved by Council.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
5.8 (i) Review and amend its authorisations to ensure officers are appropriately authorised under all relevant legislation; and amend its procedure for the authorisation of officers to include details of the process for assessing officer competency, and ensure these assessments are documented. [The Standard – 5.1]	31.12. 16	Officer Authorisations to be reviewed to ensure compliance with the code of practice requirements. A Matrix will be developed to determine officer competence / qualification and what enforcement actions they are authorised to conduct to be adopted in line with the Food code practice guidance.	Authorisations reviewed following audit feedback. Additional EC legislation added to officer authorisations and have been signed by the Service Director in accordance with the Scheme of Delegation. Authorisations identify the level of food enforcement that may be conducted by that officer.
7.25 (i) Ensure that food hygiene interventions/inspections are carried out at the minimum frequency specified by the Food Law Code of Practice. [The Standard - 7.1]	31.12.16	Review and amend the procedures. Circulate the amended procedure to the Food and Health & Safety Team to raise awareness	Email sent to the staff reminding them of the contents of the COP
7.25 (ii) Ensure that, where applicable, approval of premises, intervention risk rating and AES are undertaken consistently in accordance with the Food Law Code of Practice, centrally issued guidance, and local procedures. [The Standard – 7.2]	31.12.16	Part of this recommendation is subject to LA challenge. Review and amend the procedures. Circulate the amended procedure to the Food and Health & Safety Team to raise awareness	Email sent to the staff reminding them of the contents of the COP

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
7.25 (iii) Fully assess the compliance of establishments in its area to the legally prescribed standards; particularly, in relation to checks on the provenance of imported food and checks on health / ID marks. [The Standard -7.3]	31.12.16	Review and amend the procedures. Circulate the amended procedure to the Food and Health & Safety Team to raise awareness	Email sent to the staff reminding them of the contents of the COP
7.25 (iv) Ensure that the documented procedures for interventions are reviewed to include reference to the local arrangements for red flagging. Amend the approved premises procedure to include reference to the correct timescales for reports. Review and amend the AES procedure to include specific details on check undertaken by appropriately qualified officers. [The Standard 7.4]	31.12.16	Review and amended the procedure to reference 'red flagging'. Circulate the amended procedure to the Food Standards Team to raise awareness	
7.44 (i) Ensure that food standards interventions/inspections are carried out at the minimum frequency specified by the Food Law Code of Practice. [The Standard - 7.1]		This recommendation is subject to LA challenge.	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
7.44 (ii) Carry out food standards interventions/inspections in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard - 7.2]	Completed	WHoTS data capture forms being used by officers.	WHoTS produced data-capture forms have been formally adopted. Food Standards officers have been advised to record more information rather than exception recording
7.44 (iii) Assess the compliance of establishments in its area to the legally prescribed standards and take appropriate action in accordance with its Enforcement Policy. [The Standard – 7.3]	Completed	Ensure compliance with Enforcement Policy	Email sent to staff to emphasise requirement. Internal Monitoring and supervision procedures ensure compliance.
7.44 (iv) Amend its interventions procedures to provide guidance on the process of inspection and details on which establishments are eligible for inclusion in an alternative enforcement strategy [The Standard 7.4]	Part two-completed	Part one of this recommendation is subject to LA challenge	With reference to Part two of the recommendation, the AES procedure was amended during the week of the audit to reflect that appropriately qualified food officers shall assess AES activity carried out by lesser qualified food officers.
7.44 (v) Ensure that observations made and/or data obtained in the course of a food standards intervention/inspection are recorded in a timely manner to prevent the loss of relevant information. [The Standard – 7.5]	Completed	Use WHoTS developed data capture forms.	WHoTS produced data-capture forms have been formally adopted. Food officers have been advised to record more information rather than exception recording.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
8.8 (i) Amend the relevant procedure to include target response times for food hygiene complaints or service requests. [The Standard - 8.1]	31.12.16	To review current response time and complaint categories in the FLARE/ APP system and incorporate them into the procedure	Email sent to staff to confirm they must have regard to the target response times set.
8.8 (ii) Ensure that food hygiene complaints or service requests are actioned within the timescales set out in local procedures. [The Standard 8.2]	31.12.16	To review current response time and complaint categories in the FLARE/ APP system and incorporate them into the procedure. Monitor compliance through workload supervision meetings with officers.	Email sent to staff to confirm they must have regard to the target response times set
11.4 (i) Implement its documented procedures for ensuring its database is accurate, reliable and up to date including ensuring information on enforcement actions is correct at all times. [The Standard – 11.2]		This recommendation is subject to LA challenge.	
12.11 (i) Amend and implement its sampling policy for the microbiological examination and chemical analysis of food, which accords with the Food Law Code of Practice and centrally issued guidance. [The Standard – 12.4]	31.12.16	Review and amend procedures. Circulate the amended procedure to the Food and Health & Safety Team to raise awareness	Email sent to staff to remind about current procedure.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
12.11 (ii) Amend and implement its documented procedure for microbiological sampling of foods to include information relating to the specific equipment required to sample and the authority's storage and transport arrangements, which accords with the Food Law Code of Practice and centrally issued guidance. [The Standard – 12.5]	31.12.16	Review and amend procedures. Circulate the amended procedure to the Food and Health & Safety Team to raise awareness	Audit findings discussed with Sampling Officer.
12.11 (iii) Amend and implement its documented procedure for the chemical analysis sampling of foods to include information relating to procurement and purchase of samples, which accords with the Food Law Code of Practice and centrally issued guidance. [The Standard – 12.5]	31.12.16	Review and amend procedures. Circulate the amended procedure to the Food Standards Team to raise awareness	Email sent to staff to remind about current procedure.
12.11 (iv) Take appropriate action in accordance with its Enforcement Policy where sample results are not considered to be satisfactory. [The Standard – 12.7]	Completed	Ensure Internal Monitoring Procedures are followed to assess compliance with this recommendation.	Email sent to staff to emphasise requirement. Internal Monitoring and supervision procedures ensure compliance.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
15.20 (i) Review, amend and implement its documented enforcement procedures for hygiene improvement notices, remedial action notices and detention notices to include local process information and document its procedure for undertaking simple cautions and prosecutions with respect to Food Hygiene and document its detention and seizure procedure with respect to Food Standards. Furthermore, the procedure in relation to Hygiene Improvement Notices should be amended to ensure that appropriate appeal and court details are included on document templates. [The Standard - 15.2]	31.12.16	Review and amend procedures. Circulate the amended procedure to the Food and Health & Safety Team and Central Support Team to raise awareness	Email sent to staff and also discussed with Central Support Team
15.20 (ii) Ensure that food hygiene enforcement including Remedial Action Notices, Hygiene Improvement Notices and voluntary surrenders are carried out in accordance with the Food Law Code of Practice, centrally issued and official guidance and local procedures. [The Standard – 15.2 & 15.3]	31.12.16	Review and amend procedures. Circulate the amended procedure to the Food and Health & Safety Team to raise awareness	Email sent to staff

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
15.20 (iii) Ensure all decisions on enforcement action are documented and are made following consideration of the authority's enforcement policy. Document the reasons for any departure from the criteria set-out in the Enforcement Policy. [The Standard - 15.4]	Completed	Officers to ensure rational for decision making is fully documented in premises history.	Email sent to staff to emphasise requirement. Internal Monitoring and supervision procedures ensure compliance.
16.11 (i) Maintain up to date accurate records of all food establishments in its area in accordance with the Food Law Code of Practice and centrally issued guidance. These records shall include reports of all interventions / inspections (including copies of food inspection reports), the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified and details of any enforcement action taken. [The Standard – 16.1]		This recommendation is subject to LA challenge.	Food officers have been advised to record more information rather than exception recording. This information is being recorded on the WHoTS data capture forms and New Food Safety Inspection Report Forms. The forms are scanned onto the FLARE database record for the premises.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
16.11 (ii) Ensure that businesses, including their head offices, are provided with reports following an intervention and that food standards inspection report forms provided following interventions/inspections contain all of the information required by Annex 6 of the Food Law Code of Practice. [The Standard – 16.1]	Completed	Improve procedure to ensure correct service of documents.	Instruction issued to Food officers in respect of reports being supplied to head office as well as local premises. New Food Safety Inspection Form which meets all requirements of Annex 6 printed and adopted in June 2016.
16.11 (iii) Ensure that records are kept for at least 6 years. [The Standard – 16.2]	Completed	Review of Document/ Record retention guidance for Central Support Team.	Document/ Record retention guidance for Central Support Team reviewed.
19.10 (i) For the food standards service, expand its procedures to verify its conformance with the Standard, relevant legislation, the relevant Codes of Practice, centrally issued guidance and the authority's documented policies and procedures. [The Standard – 19.2]	Completed	Review of existing procedures to address findings of the audit.	Procedures amended: <ul style="list-style-type: none"> • to include AES activity • to record team manager / senior officer monitoring for complaints and sampling activity

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

HEALTH & WELLBENG SCRUTINY COMMITTEE

15th NOVEMBER 2016

REPORT OF THE SERVICE DIRECTOR, PUBLIC HEALTH AND PROTECTION

**FOOD LAW ENFORCEMENT – FOOD STANDARDS AGENCY FULL AUDIT
REPORT & ACTION PLAN**

LIST OF BACKGROUND PAPERS

Appendix 1: The Framework Agreement on Official Feed and Food Controls by Local Authorities (April 2010)

Appendix 2: Food Standards Agency Draft Report on the Food Law Enforcement Services Rhondda Cynon Taf Council

Appendix 3: Draft Action Plan in response to the recommendations of the Draft Report on the Food Law Enforcement Services of Rhondda Cynon Taf County Borough Council

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